

**Fiscal Year 2003**

**MARYLAND JUDICIARY**

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**Administrative Office of the Courts**

**Department of Family Administration**

**annual report**

**of the Maryland Circuit Court  
Family Divisions and  
Family Services Programs**

ADMINISTRATIVE OFFICE OF THE COURTS & DEPT. OF FAMILY ADMINISTRATION

# **Family Divisions & Family Services Programs ANNUAL REPORT**

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# Continuing a Legacy of Service to Maryland Families

Five years of family court reform efforts have yielded vast improvements for families and children in transition. Families in conflict now have access to a broad range of educational, therapeutic, evaluative, legal and dispute resolution services, regardless of where they live in the State. This report details those services and highlights the Maryland Judiciary's accomplishments in enhancing the lives of the families and children that come before it.

## Valuing Families

The Maryland Judiciary recognizes the key role courts play in the lives of families and children. Families come before the court in crisis, when a marriage is dissolving, when parents are in conflict over decisions about their children, when family financial resources are scarce, when a child has begun to exhibit problematic behavior, when an adult or child has been hurt or is at risk of harm.

Maryland courts are not unlike emergency rooms. The methods we use in assisting those individuals and in communicating with them must be designed to ensure that we do not further aggravate the trauma those individuals and their families are already experiencing.

The process families engage in when they enter the court system has been built around key values

that enlighten the Judiciary's family justice system.

These include a desire to:

- Promote families as primary decision-makers for themselves and their children;
- Educate and reorient parents to assist them in remaining child-focused in their decision-making;
- Provide effective access to the family justice system for all Maryland residents;
- Ensure judges and masters have complete information about a family before making a decision when that is required;
- Provide healthy options for parent-child access; and
- Help families maintain stable relationships and healthy support networks.

## Balancing Needs with Resources

Fiscal Year 2003 was marked by fiscal constraint and budgetary challenges. Funding provided to support the Circuit Court Family Divisions was subject to cost containment. As a result, the funding originally appropriated to each jurisdiction was cut by at least 4%. Jurisdictions who had unfilled positions or programs which had not yet been initiated experienced more drastic cuts.

These changes forced family support services coordinators in the courts to envision new ways to provide services with fewer resources. New efficiencies were identified in some cases. Many jurisdictions capitalized on the Judiciary's recent efforts to promote *pro bono* service among lawyers by replacing contractual providers with volunteer providers. This strategy was effective for

certain limited types of services, such as the Pro Se Assistance Projects which provide legal advice, information and forms to the self-represented.

Other jurisdictions were scrupulous in putting contracts out to bid to secure a better value for State dollars.

Despite these courts' best efforts, in a few instances programs were discontinued, or hours curtailed. Many private providers lost grant funding which had supplemented their costs. Those reductions often increased the cost of services provided to courts and litigants. Some courts who had secured other grants lost outside funding as well, making cuts in State funding particularly difficult to absorb. Despite these difficulties, the Maryland Circuit Courts have attempted to ensure that a broad range of services are available in each jurisdiction.

We have been successful in institutionalizing family court reform over the last five years. Few judges or masters could conceive of managing a custody case without the benefit of a

thorough evaluation of the family. Few courts could handle the number of trials that would be required if they could not refer families in conflict to mediation, or reduce the level of animosity by providing co-parenting education. Few non-custodial parents would want to reduce the time they spent with their children because visitation services were no longer available.

The institutionalization of these changes, however, has meant that the success of Maryland's family law system is dependent upon the fiscal resources that have made these changes possible. Continued financial support for the Family Divisions is critical to ensure the health of Maryland families and the viability of our family justice system.

## Evaluating Court Performance

This report details the work of the Maryland Judiciary in fulfilling those values.

The Maryland Judiciary evaluates its efforts in light of the *Performance Standards and Measures for Maryland's Family Divisions*. The *Standards* outline key measures that reflect the values and goals of the Family Divisions and Family Services Programs. They are built around the *Trial Court Performance Standards* established for use by all courts by a national task force led by Maryland's former Chief Judge Robert Murphy.

The first section of this report provides basic descriptive information about the current state of the Family Divisions and Family Services Programs. The second section of the report is built around the five main prongs of the *Performance Standards and Measures*. Each standard is listed followed by highlights the courts have achieved in meeting that standard, and examples from individual jurisdictions. Supporting data is provided, where available.

## Mission of Maryland's Family Divisions

**The mission of Maryland's Family Divisions is to provide a fair and efficient forum to resolve family legal matters in a problem-solving manner, with the goal of improving the lives of families and children who appear before the court. To that end, the court shall make appropriate services available for families who need them. The court shall also provide an environment that supports judges, court staff, and attorneys so that they can respond effectively to the many legal and non-legal issues of families in the justice system.**

# Family Divisions and Family Services Programs

Maryland Rule 16-204 created Family Divisions in any Circuit Court with seven or more judges. Family Divisions were created in Anne Arundel County, Baltimore City, Baltimore County, Montgomery County and Prince George's County. Maryland's remaining nineteen (19) jurisdictions each have a Family Services Program. Regardless of size, each jurisdiction offers the same range of services, and similar case management strategies to enhance the experience of families and children involved in domestic or juvenile litigation.

## Jurisdiction

Circuit Court Family Divisions have jurisdiction over all civil legal matters relating to the family. This permits the court to coordinate related family matters, streamline the use of services, and develop a more comprehensive understanding of each family.

It permits the cultivation of a trained body of judges, masters and court professionals who appreciate and understand the needs of families. Case types within the jurisdiction of family divisions include:

- Adoption
- Child support
- CINA
- CINS
- Custody
- Divorce
- Domestic Violence

- Guardianships
- Involuntary Admissions
- Juvenile Delinquency
- Name Changes
- Paternity
- Termination of Parental Rights
- Visitation

Passage of Senate Bill 458 during the 2003 Legislative Session created a new cause of action with original jurisdiction in the juvenile court, which is part of the Family Division. The bill, which became effective October 1, 2003, permits parents to voluntarily place their children in an out-of-home placement under the care of the local department of social services (DSS), so that the child can receive treatment for an emotional, physical or developmental disability. These children may not be found to be Children in Need of Assistance (CINA) solely because

parents cannot afford to pay for treatment.

If a child needs to stay in treatment for more than 6 months, the local DSS must petition the court for an extension. These "voluntary placement" hearings must be heard within 30 days of the filing of the petition. The Judiciary's Foster Care Court Improvement Project has been working with the Department of Human Resources to establish a protocol for managing these new cases effectively.

## Types of Services

### ALTERNATIVE DISPUTE RESOLUTION

These services encourage parties to settle their dispute in a manner other than by going to trial.

*Child Access Mediation*  
*Marital Proper Mediation*  
*Volunteer Settlement Panels*  
*Facilitation*  
*Dependency Mediation*  
*Parent-Teen Mediation*  
*Pre-trial Conferences*  
*Parent Coordination*

### EVALUATIVE SERVICES

These programs provide the court with information it needs to make a decision that is in a child's best interest, or that is best for that family.

*Home Studies*  
*Custody Evaluations*  
*Mental Health and Psychological Evaluations*  
*Substance Abuse Assessments*  
*Visitation Reports*

### EDUCATIONAL AND THERAPEUTIC SERVICES

These programs educate the parties and their children to help parents remain child-focused, and to ease the family's transition.

*Co-parenting Education*  
*Education for Never Married Parents*  
*Psycho-educational Programs for Children*  
*Individual, Group and Family Therapy*  
*Anger Management*  
*Substance Abuse Treatment*  
*Drug Courts*

### SAFETY AND PROTECTION SERVICES

These resources are designed to ensure the safety of adults and children.

*Emergency Mediation and Crisis Intervention*  
*Domestic Violence Safety Planning and Coordination*  
*Visitation Services*

### LEGAL SERVICES

These programs ensure access to the justice system for those of limited means, and those at risk.

*Pro Se Assistance Projects*  
*Domestic Relations Forms*  
*Domestic Violence Advocacy*  
*CASA Programs*  
*Web Sites, Publications, Videos*

## A Continuum of Service

Each of Maryland's 24 Circuit Court jurisdictions has developed a spectrum of core services to assist families and children involved with the legal system.

Some services are provided directly by the court. Others are made available to litigants through referrals to private, non-profit organizations or government agencies. In some instances, courts contract with a private provider to offer the service. Where possible courts have attempted to build on existing community resources. The Maryland Judiciary has many partners in serving families and it is through collaboration with those partners that we have been able to leverage existing resources to better serve families.

### New Services in Fiscal Year 2003

During Fiscal Year 2003 courts experimented with several new models of service.

**Drug Courts.** Under the leadership of the Judiciary's Drug Treatment Court Commission, a number of Circuit Courts have made plans to initiate juvenile and dependency drug courts. There are five juvenile drug courts in operation around the State and several more in the planning phase. Training is available through the Bureau of Justice Assistance Drug Court Planning Initiative. Several courts have assembled teams of 10 stakeholders and have been accepted to participate in this series of three federally funded out-of-state courses. Participation in the training gives each court favorable status in applying for federal drug court funding.



Two Maryland courts, Dorchester County and Baltimore County Circuit Courts, were awarded federal funding this year to initiate their drug courts.

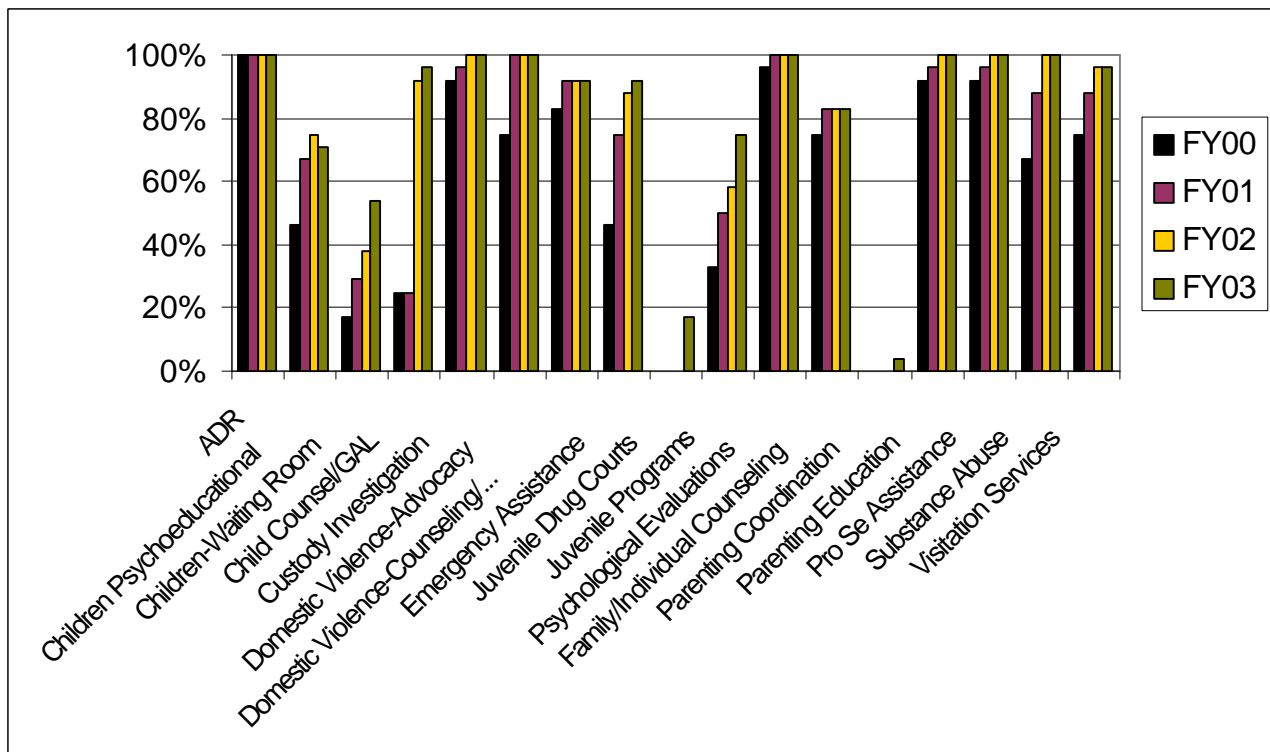
The Foster Care Court Improvement Project has likewise assembled a statewide team to participate in a similar federal training program for states and individual courts interested in developing dependency drug courts. These courts provide structured treatment protocols for parents with substance abuse problems whose addiction have

caused the removal of a child from their care.

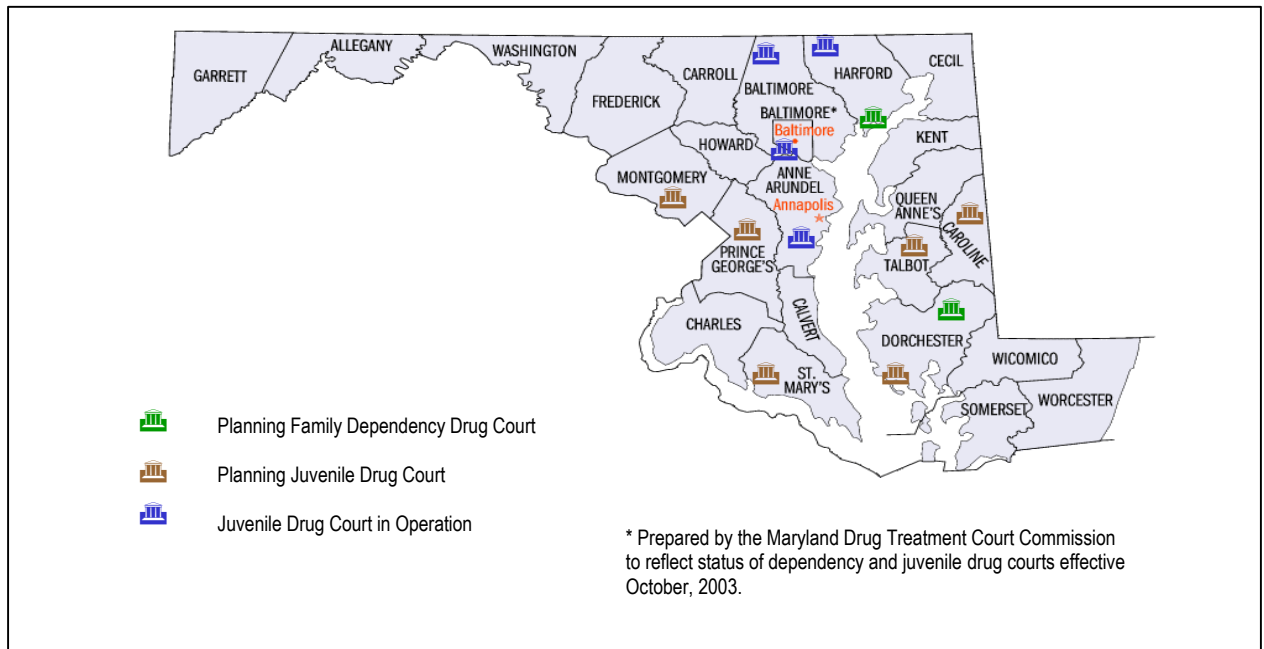
**Parenting Coordination.** During Fiscal Year 2003 pilot projects were developed in two jurisdictions, Harford County and Frederick County, to implement this new service designed to address the needs of extremely high conflict families. In these cases referrals are made to a mental health professional who is also trained as a mediator. The “parenting coordinator” is tasked with assessing the parties to determine their relative strengths and weaknesses, and then working

with them to resolve day-to-day disputes. As described by the Circuit Court for Harford County, “The purpose in developing this specialized service is to contain conflict, further protect children at risk from chronic conflict, and maximize the efficient and appropriate use of court resources.” *Annual Report to the AOC on Family Support Services*. Circuit Court for Harford County, October 15, 2003.

Parenting coordination can play an important role post-judgment for those families at risk of re-litigation.



**Percentage of Maryland Jurisdictions Offering Specific Family Support Services in Fiscal Years 2000, 2001, 2002, and 2003**



**Juvenile and Dependency Drug Courts in Operation or in the Planning Phase in Maryland Circuit Courts**

## Promoting Parents as Primary Decision-Makers

### Child Access Mediation

Courts promote parents as primary decision-makers by providing them the opportunity to resolve cases without litigation. Mediation permits parents the chance to recognize and place their child's needs first.

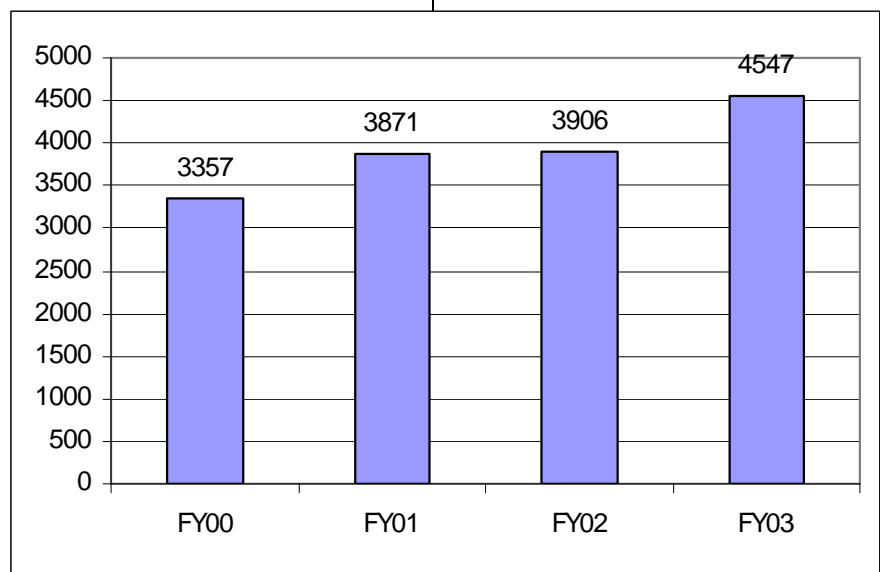
When a custody or visitation case goes to trial, the relationship between former spouses is further eroded, positions are polarized, and it becomes less likely that those parents will be able to cooperate in the future to make child-rearing decisions. Neighbors and extended family are called in to testify

against the opposing party, further destroying the parties' support networks.

Alternative dispute resolution helps preserve relationships where

possible and promotes child-focused decision-making.

In Fiscal Year 2003, referrals to child access mediation continued to increase.



**Referrals to Child Access Mediation, FY 2000 through FY 2003**

## Helping Parents Remain Child-Focused in Their Decision-making

### Co-Parenting Education

All Maryland jurisdictions offer some form of co-parenting education. Maryland Rule 9-204 prescribes the content and length of the course which can be up to two sessions for a total of six hours of instruction.

During Fiscal Year 2003, several courts refashioned their course to better serve the needs of their population. After five years experience offering co-parenting education, this retooling reflected a maturation of the service.

Several jurisdictions also offer co-parenting education for specialized populations. In Baltimore City, where most child access cases involve parents who have never been married and who have never resided together, the court offers a specialized program called

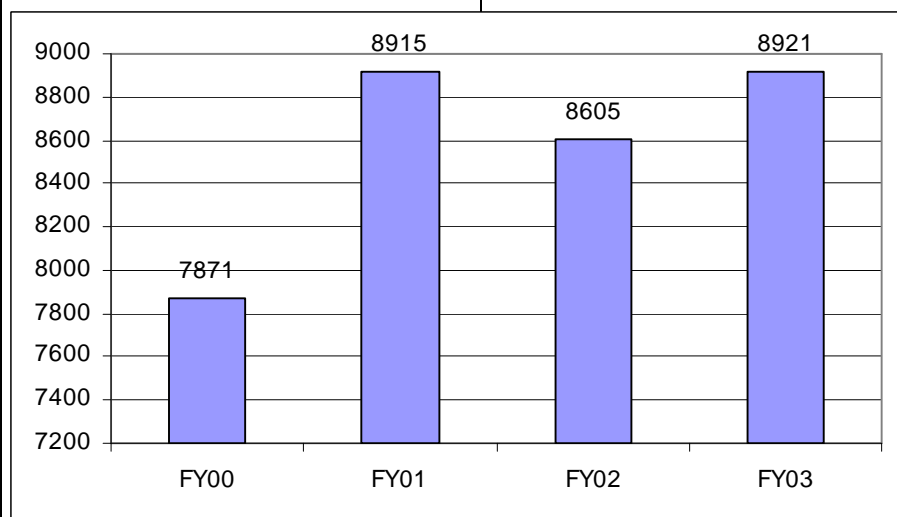
“SHAPE” or “shared parenting education” specifically designed to address the needs of such parents.

**Who Benefits from Co-Parenting Education?** When parents participate in co-parenting education, they are asked to complete a demographic questionnaire. This data provides some picture of the individuals involved in contested child access cases.

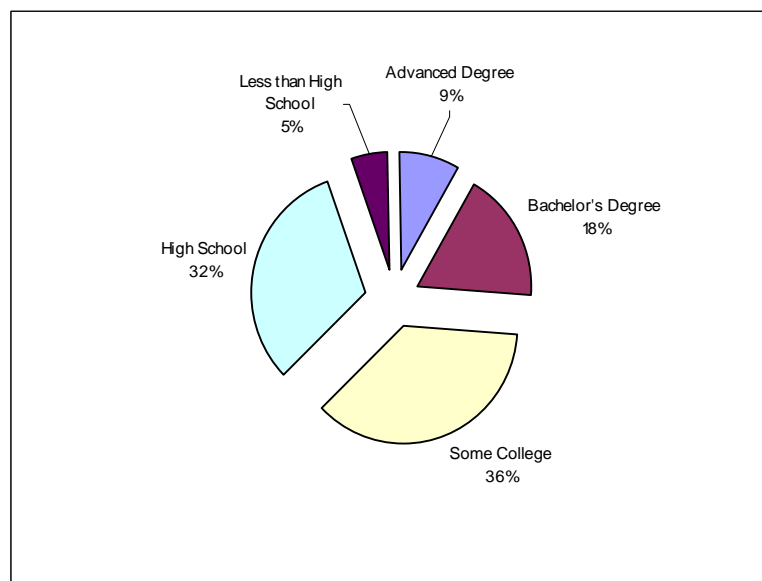
This information is used to assist

the courts in designing co-parenting curricula and in targeting written materials and other resources to ensure they meet the needs of the court’s customers.

Successful co-parenting courses include a unit explaining the role and benefits of mediation, and preparing parents to participate effectively in alternative dispute resolution sessions. Parents are provided with a sample parenting plan and ideas on how to resolve key issues.



**Referrals to Co-Parenting Education in Fiscal Year 2000 - 2003**



**Education Levels of Co-Parenting Participants, FY2003**

## Access to the Family Justice System

### Pro Se Assistance

No system of justice is effective unless the persons it was designed to benefit can have effective access to that system. Maryland Circuit Court Family Divisions and Family Services Programs have made a strong commitment to serve all Maryland residents without regard to representational status.

Many individuals find it difficult or impossible to afford counsel in family cases. When a marriage dissolves, the family is compelled to support two households on the same income that once supported one.

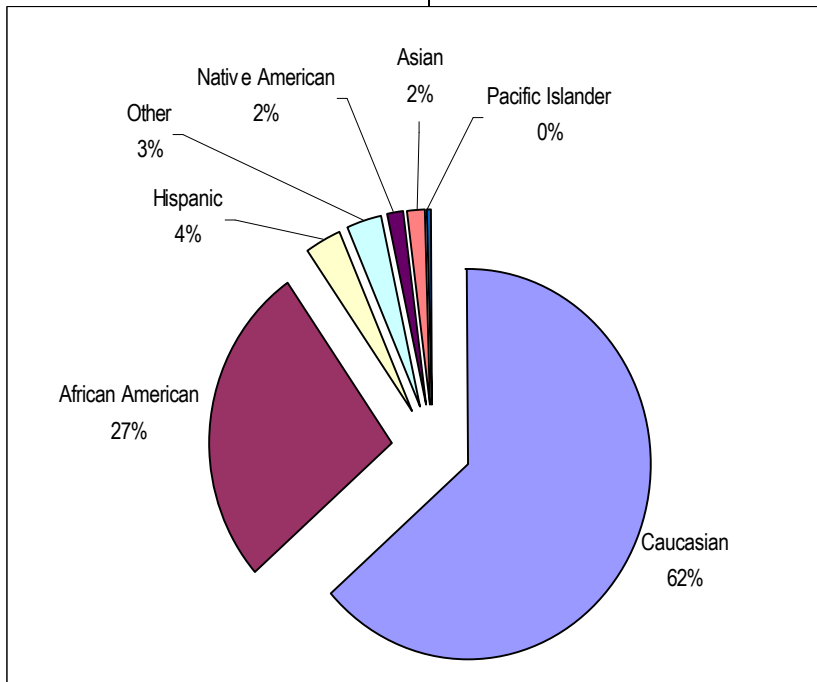
The number of individuals who represent themselves has continued to increase over the last several years.

The Maryland Judiciary has adopted a multi-faceted strategy for addressing the needs of the self-represented.

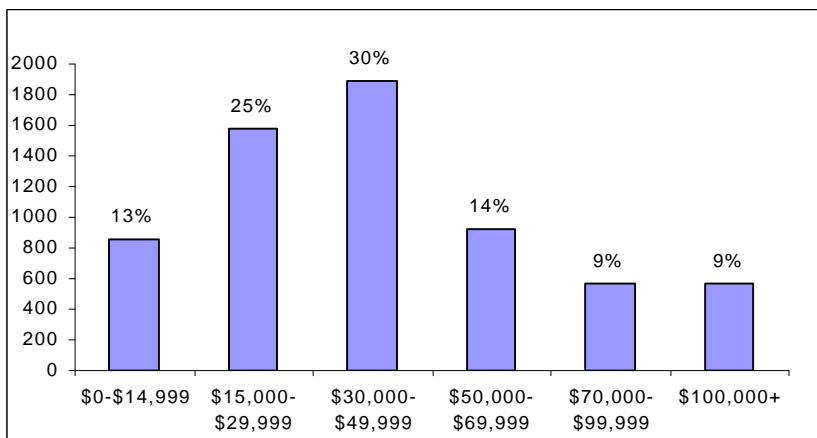
**Pro Se Assistance Projects** are free walk-in legal clinics that provide forms, information and advice to self-represented persons. Attorney providers interview litigants to determine whether their case is appropriate for self-representation, assist them in completing forms, and in planning for the next steps in their litigation. Referrals for more in-depth legal assistance are made where the party is in need of full representation.

These programs are in extremely high demand. In Fiscal Year 2003, Pro Se Assistance Programs served 37,862 individuals.

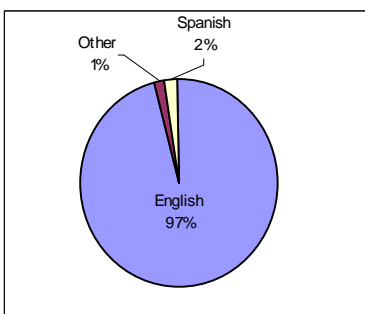
While demand remains high, growth has abated since Fiscal



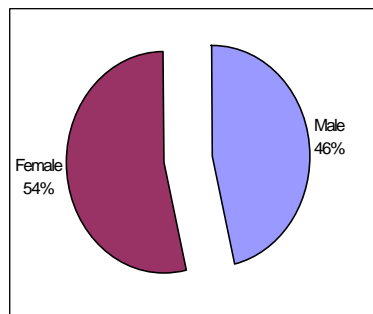
**Self-identified Ethnicity of Co-Parenting Participants, FY2003**



**Household Income of Co-Parenting Participants, FY 2003**



**Primary Language of Co-Parenting Participants, FY 2003**

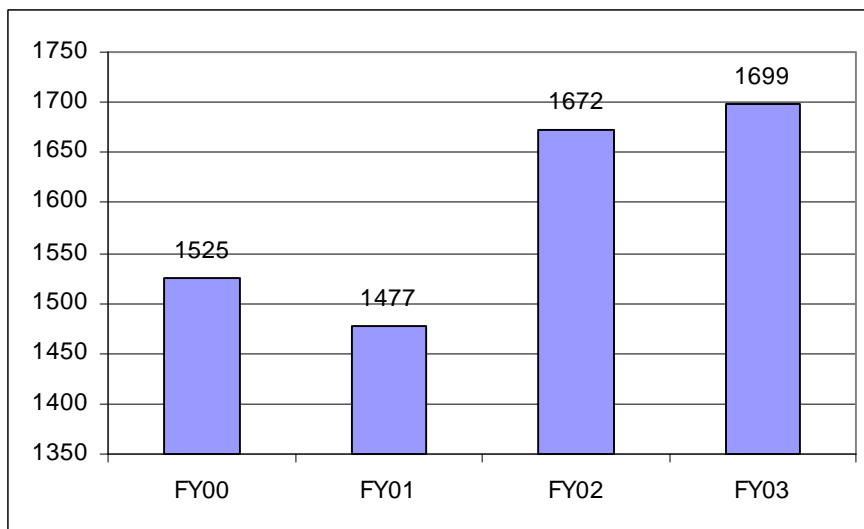


**Gender of Co-Parenting Participants, FY 2003**

Year 2002. This may be due to limitations in program expansion due to cost containment. Smaller jurisdictions with limited hours have been unable to offer the program more frequently due to funding limitations. Several jurisdictions have replaced paid contractual attorneys with attorneys serving *pro bono publico*. This has permitted those courts to maintain the service, but growth has remained limited.

**The Domestic Relations Forms** were developed several years ago by the Maryland Judiciary. Forms are available in a broad range of family case types, for a variety of purposes. They are maintained in an interactive PDF format on the Internet, to permit users to complete and print them from the website.

A **Forms Helpline**, with a toll free telephone number, is staffed by the Women's Law Center under a grant provided by the Administrative Office of the Courts, Department of Family Administration. Attorneys assist users over the phone to complete domestic relations forms.



**Cases Referred for Custody Evaluations, FY2000 – FY2003**

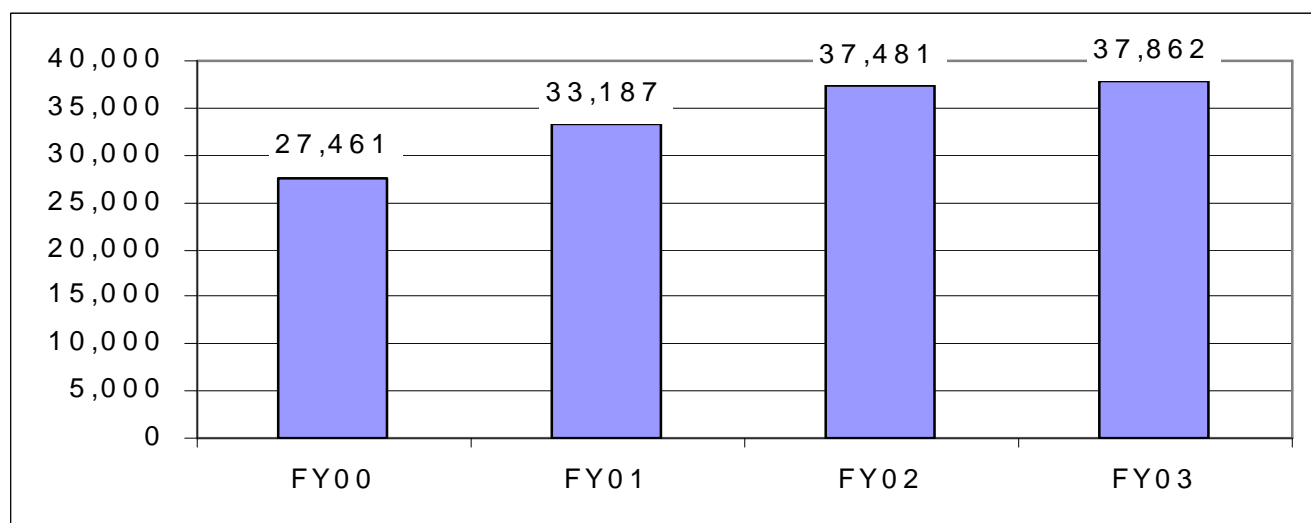
## Understanding Families to Enhance Decision-making

### Custody Evaluations

All courts have some mechanism for providing home studies or custody evaluations. In some instances the court maintains social workers on staff to provide this

service. In some jurisdictions the service is provided for a fee by the local department of social services, or another private provider.

These can range from simple home visits with a report on the conditions in the home to an in-depth assessment of the parents' relative parenting abilities based on interviews with the parties, observations of the child with each parent in the home, interviews with collateral witnesses, and a review



**Individuals Assisted by Pro Se Assistance Projects, FY 2000 - 2003**

of pertinent educational, medical and other records.

### Mental Health Evaluations

When serious mental health issues have been identified, a court may need an evaluation of an individual or family members before making child access decisions. All Maryland Circuit Courts have some mechanism for requesting an in-depth assessment of the mental health of a party or child.

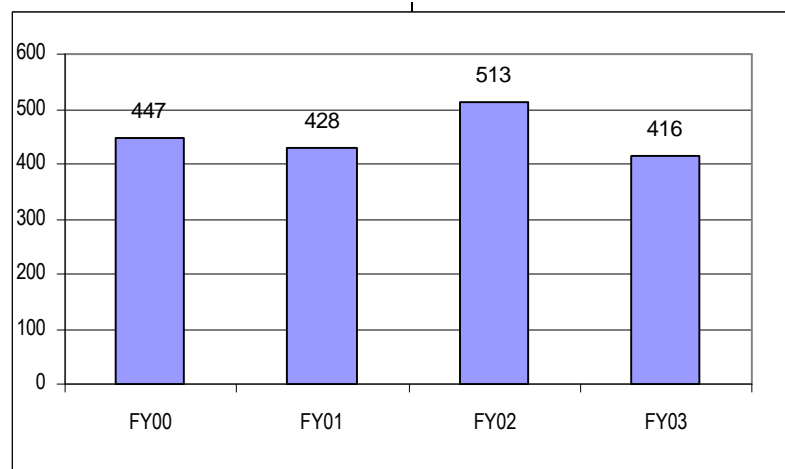
In some jurisdictions, this service is provided by contractual psychiatrists or psychologists retained by the court. In most jurisdictions, however, the service is provided by making a referral to one of several private providers identified by the court.

These types of evaluations are costly to provide. While not needed in all cases, they provide critical information to the court and the parties in those cases where mental health issues are raised. The parties are normally required to pay for these services, although the court makes fee waivers available to income eligible litigants.

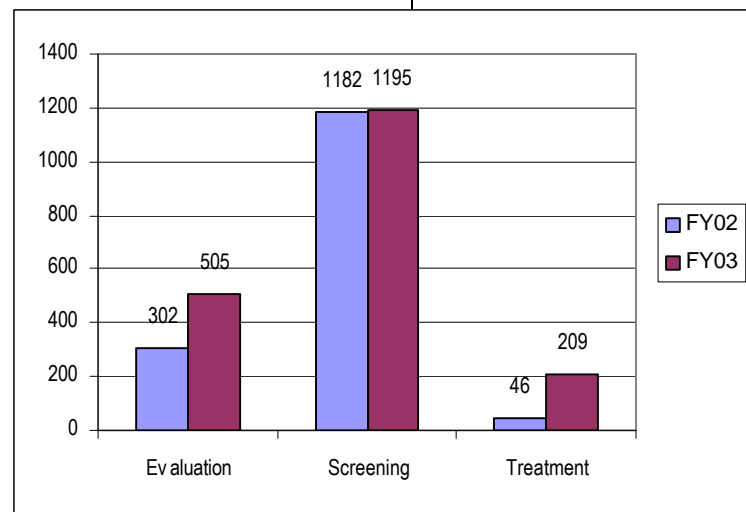
There was a decrease noted in the number of cases referred for mental health evaluations in Fiscal Year 2003. This was largely due to a significant reduction in the use of the service by the Circuit Court for Prince George's County. That court determined that in some cases there were other evaluative services available that were less costly.

### Substance Abuse Assessments

Many courts have devised ways to arrange for drug and alcohol testing where substance abuse has been alleged. In some jurisdictions, on-site, same day urine testing can be



**Cases Referred for Mental Health Evaluations, FY2000 – FY2003**



**Substance Abuse Evaluations, Screenings, and Treatment for FY2002 and FY2003**

done. This can improve the accuracy of reports, and the speed with which they can be made available.

### Promoting Healthy Parent-Child Relationships

#### Visitation Services

Visitation services promote family relationships and parent-child access while preserving the safety and security of family members.

These services can become especially critical when there have been allegations of family violence or substance abuse. Without access to supervised visitation or monitored exchange, some parent-child relationships would be completely disrupted or limited unnecessarily.

**Monitored Exchange Services** provide a neutral setting for parents to drop off and exchange children before and after visits. By using a staffed, neutral site, parents can avoid contact, thereby minimizing the possibility of a hostile or

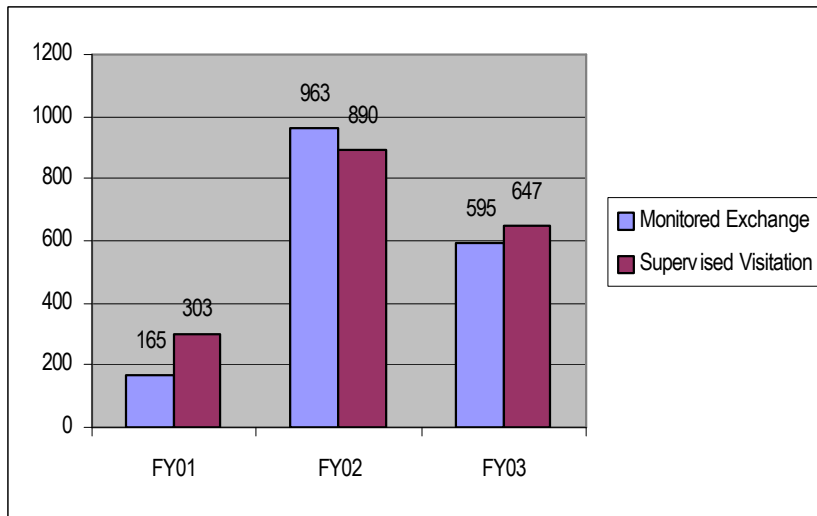
violent confrontation. These services promote parent-child relationships and minimize the trauma to which children are sometimes exposed.

**Supervised visitation centers** provide a neutral setting where non-custodial parents can spend time with their children. These centers are staffed by trained professionals, often with a mental health background. A structured activity may be offered. In many cases, the visitation center will report to the court on whether the parties are participating and/or how the visits went. Supervised visitation services protect children while promoting their relationship with their parent.

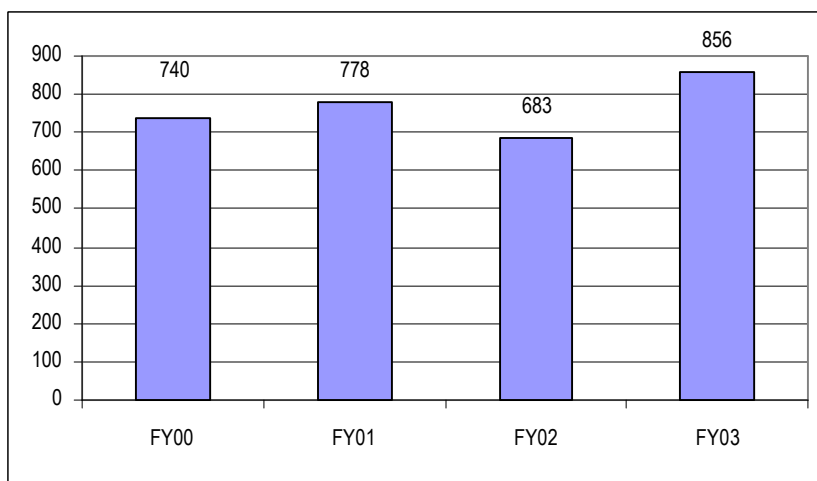
## Helping Children Adjust to Changes in Their Family

### Psycho-educational Programs for Children

A number of Circuit Court Family Divisions and Family Services Programs offer programs designed to aid children in coping with changes resulting from separation and divorce. These “psycho-educational” programs range from classes which provide information, to more in-depth therapeutic groups which meet for several weeks and which provide children an opportunity to express and process what is going on in their lives.



**Cases Referred for Visitation Services in FY2001-FY2003**



**Cases Including a Referral to Children's Psycho-educational Programs, FY2000 - FY2003**

## Access to Justice

Under the leadership of Chief Judge Robert M. Bell, Maryland has made Access to Justice a cornerstone of the family justice system. Maryland stands out as one of few states that has adopted a statewide strategy for providing assistance to the self-represented. Other key initiatives have made the Maryland Judiciary a key player in supporting the State's legal services safety net, and in protecting victims of family violence, child abuse and neglect.

### Standard 1.1 Equal Access

**Maryland's family divisions ensure that court services are accessible equally to all litigants, regardless of race, ethnic background, religious affiliation or socio-economic status.**

#### Highlights and Examples

The Maryland Judiciary promotes equal access to the family justice system in a variety of ways.

Maryland provides a **statewide network of Pro Se Assistance Projects** that offer forms, advice and information to self-represented persons. These programs served over 37,000 individuals in Fiscal Year 2003. A number of jurisdictions were able to **take advantage of the new initiative in Maryland to have all attorneys report their *pro bono* hours**. Dorchester and Carroll County Circuit Courts reduced their dependence on contractual *pro se* assistance providers by scheduling pro bono attorneys to provide the service.

**Domestic relations forms** are provided online in fillable PDF. This permits users to download and print completed forms for filing.

The Circuit Court for Prince George's County uses **providers fluent in Spanish to offer assistance to self-represented persons, and to teach the Pro Se Orientation Course**. The court also recently hired a **bilingual attorney** to serve as the associate director of the Family Division Information and Referral Center (FDIRC).

The Department of Family Administration at the AOC provided a Special Project Grant to the Prince George's Law Foundation in Fiscal Year 2004 to initiate a **Latino Legal Access Project** in Prince George's County. The program will provide legal advice, information and forms to

Spanish speakers at a variety of outreach sites in the community.

The Department of Family Administration provides **grants to fund Court Appointed Special Advocate Programs (CASAs)**. These non-profit organizations provide volunteer lay advocates for children in abuse or neglect cases.

A number of jurisdictions, including Allegany, Anne Arundel, Dorchester and Somerset Counties are **more actively monitoring cases where the litigants are self-represented** to ensure that next steps are taken and the case moves forward. In Dorchester County, the master regularly holds status conferences to evaluate next steps for stagnating cases. Self-represented litigants are then immediately referred to the Pro Se Assistance Project for help in taking required next steps. These



innovations promote access to justice while ensuring the court meets its case management goals.

The four Mid-Shore counties collaborated to present a **training program for attorneys appointed to represent children in custody cases**. Approximately 70 attorneys attended, significantly increasing

the pool of lawyers available to be appointed for these cases.

Somerset County is unique in that, while it is a small county, because of the presence of the Eastern Correctional Institute, (ECI), a large percentage of domestic cases involve incarcerated inmates. The Circuit Court there

supports a monthly **service for self-represented inmates involved in domestic cases**. The court notifies the provider, Alternative Directions, about pending inmate cases. An attorney from Alternative Directions visits ECI each month to provide assistance with forms, filing, and service of process issues.

## Standard 1.2 Cost of Access

**Maryland's Family Divisions must ensure that court services are accessible equally to all litigants, regardless of their ability to pay for the services, and supply certain core services.**

### Highlights and Examples

As a condition of accepting Family Division / Family Services Program grant funds, each jurisdiction agrees to provide a **fee waiver** for individuals that meet certain income-eligibility criteria. The income guidelines that have been adopted are those devised each year by the Maryland Legal Services Corporation. The guidelines are based on household size and household income and are tied to the Maryland median income and the federal poverty guidelines.

Some jurisdictions have extended the reach of this initiative by offering **partial fee waivers on a sliding scale** to individuals that would not qualify for a full fee waiver under the Judiciary-wide guidelines.

The use of a uniform fee waiver standard can have a disparate

impact on the varying jurisdictions. Jurisdictions where the rate of individuals living in poverty is higher, will have to use a higher percentage of grant funds to provide services for indigents.

In the last six months of Fiscal Year 2003, **23% of cases included a motion for a filing fee waiver in the Baltimore City Family Division**. That court reported that for Fiscal Year 2003, **fee waivers were granted in 21% of divorce cases, 29% of custody cases, 39% of visitation cases and 9.6% of child support cases**.

Each jurisdiction is asked to budget for these costs. Unfortunately, budget constraints have curtailed the Judiciary's ability to provide sufficient funding to cover the full cost of fee waivers required. This has often meant other programs must go unfunded so a court can meet its obligation to provide fee waivers.

Many family support services coordinators are playing a role in the **local pro bono planning committees** that have been established in each jurisdiction. They are working to identify ways the courts can enhance access to the family justice system by harnessing the energies of attorneys seeking to do *pro bono* work.

The Department of Family Administration was responsible over the past year for managing the State's **pro bono reporting process**. Maryland's 30,000 attorneys were required for the first time to report on their pro bono activities. The Administrative Office of the Courts recently provided the first report on attorney pro bono activity to the Standing Committee on Pro Bono Legal Service. It is hoped that the information provided in this report will stimulate attorneys to increase their level of pro bono service.

## Standard 1.3 Safety, Accessibility and Convenience

Maryland's Family Divisions aspire to ensure that court facilities are safe, accessible, and convenient to use, and they aspire to develop a strategic plan to implement this standard by working with domestic violence advocacy groups and local governments, among others.

### Highlights and Examples

All Circuit Court Family Divisions and Family Services Programs aspire to provide court-based or court-referred services in circumstances that are safe, accessible and convenient for the parties. Almost all courts offer **co-parenting education after hours** and on weekends to accommodate the needs of working parents. For example, the Circuit Court for Allegany County this year arranged to offer its co-parenting course at two off-site locations where security was available. By offering the course at two sites, they can provide opportunities for parents to attend separate classes if necessary to avoid conflict.

During Fiscal Year 2003, the Circuit Court for **Baltimore City** was able to fully staff its on-site child waiting room. Parents can now leave children at the waiting area while they attend court.

Baltimore City has also initiated an **in-house mediation program**. Trained volunteer mediators are available in the courthouse. Previously mediation was only available off-site at Sheppard Pratt – which was very difficult for low-

income litigants to get to via public transportation.

Reconfiguration of county office space in the courthouse has permitted the Circuit Court for Carroll County to open a **children's waiting room** stocked with toys, videos, books and furniture donated by court staff and attorneys. A number of jurisdictions now offer child-friendly waiting areas to make it easier for parents and children coming to court.

The Circuit Court for Kent County has partnered with that county's Family Support Center to offer **"Monday Nights for Parents."** Each Monday evening the court offers one of its family support services on a rotating basis – co-parenting education, pro se assistance, etc., at the Family Support Center's new facility in Chestertown.

Several jurisdictions were provided with an equipment grant from the Maryland Legal Assistance Network to set up a **People's Law Library Outreach Site**. These sites, often set up in the local public library, provide internet access to specific legal websites in Maryland, as well as kiosks with written information about family

law issues, court programs and processes.

### Enhancing Access to Justice for Victims of Violence and the Under-represented

#### Special Project Grants

The Department of Family Administration continues to enhance access to the family justice system through Special Projects Grants. These funds are awarded for a broad range of projects that enhance access to the family justice system. A large percentage of these grants are given to organizations providing safety planning and legal representation to victims of domestic violence.

With the reduction in Interest on Lawyers Trust Accounts (IOLTA) and shrinking federal grant dollars, these funds have become an increasingly important source of funding for Maryland's legal services system.

A list of projects receiving Special Project Grant funds in Fiscal Year 2003 is provided.

## **Special Project Grants**

The following Special Project Grants were awarded in Fiscal Year 2003 to support Maryland's family justice system.

### **GRANTEE/project**

**HOUSE OF RUTH / protective order advocacy representation projects**

**HOUSE OF MERCY / southwest alliance legal advocacy program**

**HOUSE OF MERCY / equipment grant**

**LIFE CRISIS CENTER / domestic violence legal services program**

**MARYLAND LEGAL SERVICES CORP. / contested custody representation project**

**MARYLAND VOLUNTEER LAWYERS SERVICE / safenet**

**MARYLAND VOLUNTEER LAWYERS SERVICE / washington county domestic violence legal services**

**WOMEN'S CENTER OF SOUTHERN MARYLAND / domestic violence legal services program**

**WOMEN'S LAW CENTER / protective order advocacy representation project**

**WOMEN'S LAW CENTER / pro se legal forms helpline**

**YWCA OF ANNAPOLIS AND ANNE ARUNDEL CO. / domestic violence legal services program**

**YWCA OF ANNAPOLIS AND ANNE ARUNDEL CO. / arden house advocate**

**MD COALITION AGAINST SEXUAL ASSAULT / child sexual abuse and family court – five regional conferences**

**CIRCUIT COURT FOR BALTIMORE CITY – juvenile drug court incentive program**

**CIRCUIT COURT FOR BALTIMORE CITY – parenting plan pilot project**

**CIRCUIT COURT FOR BALTIMORE CITY – female juvenile offenders task force**

## Expedition and Timeliness

The Maryland Judiciary has undertaken a longitudinal assessment of court performance in light of a series of time standards developed and adopted several years ago. In Spring 2003, Maryland Circuit Courts completed the second of two case file reviews. The first, done over a year ago, provided baseline data on time-to-disposition in a broad range of case types. The second assessment has revealed that many courts made progress in fulfilling their case time improvement plans and in meeting their time-to-disposition goals.

### Standard 2.1 Case Management System

**In order to provide for the fair, reasonable and expeditious resolution of all issues arising in family legal matters, Maryland's Family Divisions manage and operate a case management system that compels timely discovery and fruitful settlement negotiations with a view toward limiting the issues requiring trial.**

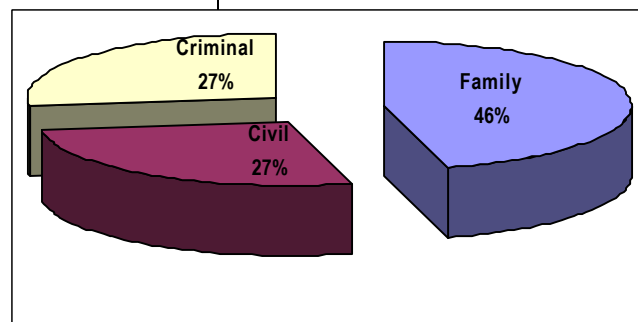
#### Family Matters – Nearly One-Half the Circuit Court Caseload

Nearly one-half of all cases filed in the Maryland Circuit Courts are within the jurisdiction of the Family Divisions. The bulk of cases occupying the time of judges, masters and court staff are those with the most complex issues – child access, family violence, delinquency, child abuse and neglect. The Circuit Court for Baltimore City reported, for example, that during Fiscal Year

2003, 57% of domestic cases filed in the Family Division involved children.

It is appropriate that the State of Maryland dedicate sufficient resources to ensure that the court can manage these complex cases effectively, and reach decisions that promote family health and stability.

During the one-year period from July 1, 2002 through June 30, 2003, Maryland Circuit Courts initiated



**Family Caseload as a Percentage of Overall Circuit Court Caseload – FY2003**

## Total Family Cases Filed or Reopened in Fiscal Year 2003

Jurisdiction	Divorce/Annul	Other Domestic	Adoption /Guard (adult)	Paternity	DV	Juv-Del	Juv-CINS	Juv-CINA	Juv-Guard	Juv-Adopt	Juv-Other	Total
Allegany	509	612	25	302	26	394	26	29	8	0	0	1,931
Anne Arundel	3,700	975	516	993	426	2,335	3	83	4	0	5	9,040
Baltimore	4,430	3,451	306	1,613	643	3,357	4	409	71	0	102	14,386
Baltimore City	3,175	1,858	201	5,370	423	7,239	154	1,174	244	0	177	20,015
Calvert	662	646	21	870	101	517	1	17	10	0	21	2,866
Caroline	287	328	9	349	70	136	0	20	8	2	0	1,209
Carroll	1,008	1,058	92	136	324	919	4	22	2	0	39	3,604
Cecil	838	1,410	32	1,203	134	376	0	14	8	0	0	4,015
Charles	1,161	920	24	1,062	415	1,100	0	51	13	2	6	4,754
Dorchester	221	337	10	424	62	115	0	12	1	0	0	1,182
Frederick	1,293	1,154	80	587	88	1,168	9	124	25	1	27	4,556
Garrett	227	220	8	81	44	58	7	18	12	2	2	679
Harford	1,364	1,459	76	1,132	389	708	0	131	29	0	10	5,298
Howard	1,248	596	75	342	194	783	0	60	20	0	3	3,321
Kent	183	143	6	157	31	94	0	4	5	0	0	623
Montgomery	5,736	971	1,890	1,968	766	3,406	0	1,486	107	0	50	16,380
Prince George's	6,932	3,069	132	3,862	703	3,981	4	175	87	0	49	18,994
Queen Anne's	241	173	5	161	5	132	2	15	3	11	0	748
Somerset	158	334	3	534	83	77	4	19	7	0	0	1,219
St. Mary's	647	571	30	536	144	344	0	28	20	0	4	2,324
Talbot	320	268	11	282	21	285	1	8	8	2	2	1,208
Washington	1,165	1,934	38	1,393	37	703	5	94	17	0	7	5,393
Wicomico	727	767	33	1,058	44	369	1	42	13	0	0	3,054
Worcester	313	507	9	1,170	30	183	0	35	11	0	0	2,258
<b>Total</b>	<b>36,545</b>	<b>23,761</b>	<b>3,632</b>	<b>25,585</b>	<b>5,203</b>	<b>28,779</b>	<b>225</b>	<b>4,070</b>	<b>733</b>	<b>20</b>	<b>504</b>	<b>129,057</b>

or opened 129,057 family cases. This represents 63% of all civil legal matters, and 46% of the total Circuit Court caseload.

### Highlights and Examples

During Fiscal Year 2003, the Judiciary completed a **follow-up assessment of time-to-disposition rates** for a broad range of case types as part of its case time standards initiative. For example, the Circuit Court for Baltimore

County reported that in the latest assessment, their court met the time standard concluding 90% of domestic cases within 360 days and 98% within 720 days. Each Circuit Court has submitted an improvement plan to address its case management goals.

**Five of the eight Maryland judicial circuits have hired a permanency planning liaison.** These individuals have been working with the Foster Care Court Improvement Project (FCCIP) TPR Court Coordinator and FCCIP

Specialist to develop case management strategies to ensure that termination of parental rights cases and CINA matters are concluded within statutory deadlines.

Judicial Information Systems (JIS) **transferred two Circuit Courts, those in Anne Arundel and Carroll Counties, to UCS,** the uniform information system in use by other Maryland courts. This improved uniformity and consistency in data collection.

## Standard 2.2 Protection of Victims of Domestic Violence

The practices and procedures of Maryland's Family Divisions maximize protection efforts for victims of domestic violence by ensuring access to the courts, coordination of other family matters with domestic violence proceedings, and by securing a comprehensive understanding of individual and family history relative to violent conduct. The Family Divisions conduct adequate, independent screening and identify important family needs via an established domestic violence protocol. Maryland's family divisions endeavor to hear all *ex parte* petitions for relief from domestic violence as soon as possible after the alleged victim's entry into the court facility.

### Access to the Protection the Law Provides

#### Protective Order Advocacy and Representation Projects (POARP) and Related Programs

To enhance the safety of victims of family violence, Maryland's Circuit Court Family Divisions and Family Services Programs take extraordinary measures to ensure those victims can access the legal system to obtain protection.

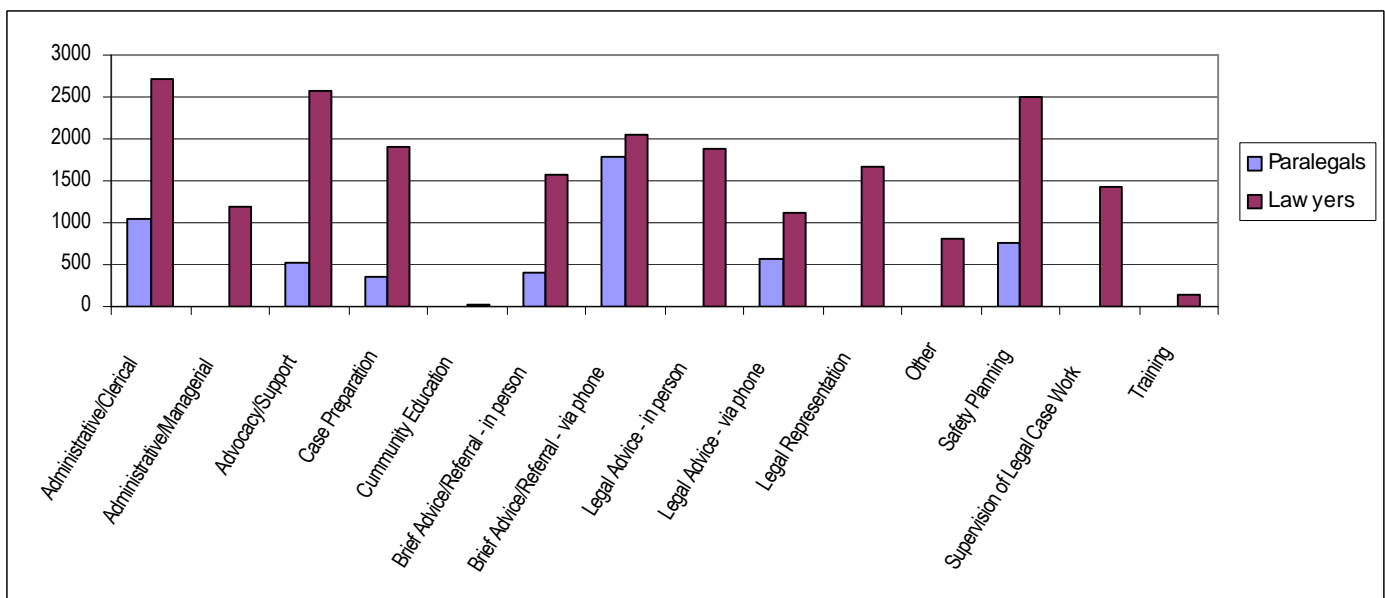
All Maryland Circuit Courts refer

victims to programs where they can receive assistance in developing a safety plan, legal advice, information and representation in a protective order hearing. All Circuit Courts also make referrals for anger management and other treatment alternatives to address violent behavior.

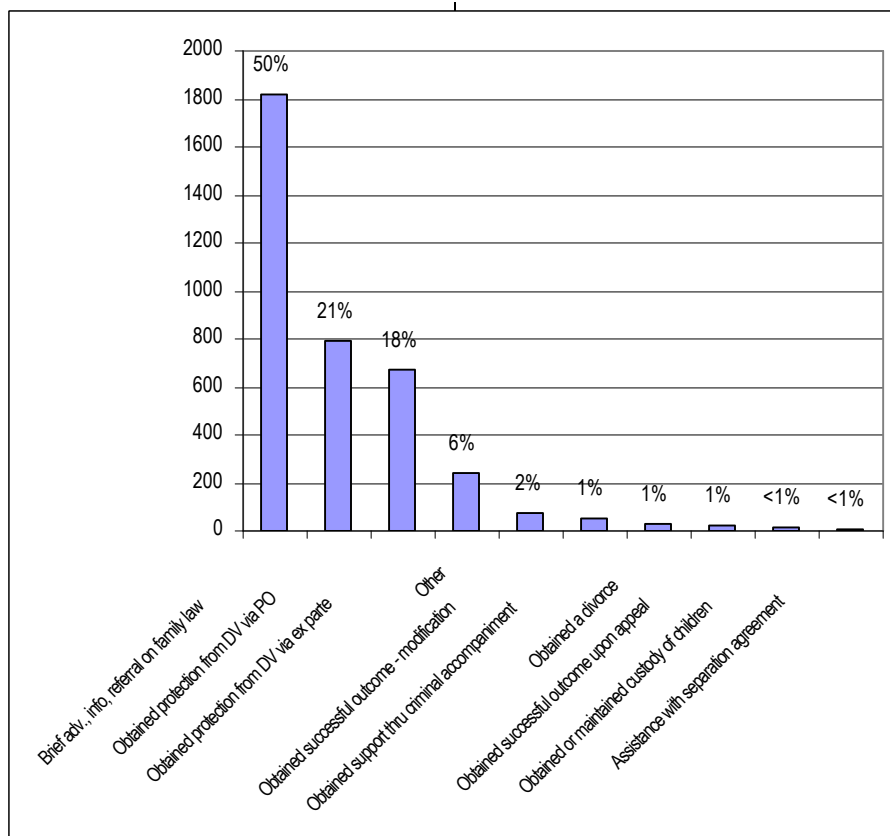
There can be many obstacles impeding a victim's ability to seek protection – the victim may be subject to the control of the abuser, forbidden to leave the house or watched constantly. Phone calls or access to a family vehicle may be restricted.

To eliminate as many obstacles as possible, a number of Circuit Courts provide on-site legal

services programs for victims in the courthouse. Through Special Project Grants, the Department of Family Administration has extended the network of these Protective Order Advocacy and Representation Projects. Operated by local domestic violence advocacy organizations, those programs have become a cornerstone of the safety net provided for victims through the Maryland Circuit Courts. Victims can meet with a paralegal or attorney, discuss the steps necessary to ensure their safety, obtain assistance in applying for a temporary protective order, and obtain representation at a subsequent protective order hearing – all without leaving the courthouse.



SPG Grantees Serving Victims of Domestic Violence – Type of Services Provided – FY2003

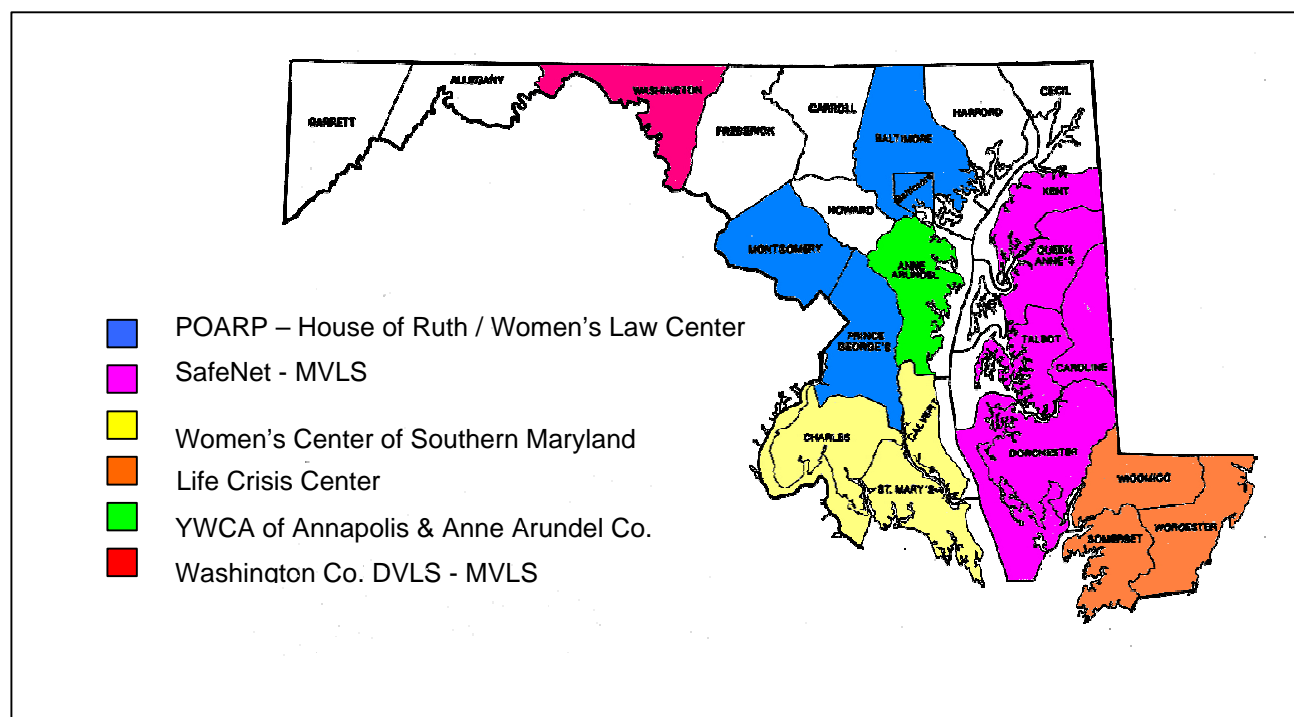


**SPG Grantees Serving Victims of Domestic Violence – Major Benefit Achieved – FY2003**

These programs are monitored by a staff person at the Department of Family Administration specializing in issues of family violence. Regular site visits are conducted of all Special Project Grantees, including those serving victims of family violence, to ensure compliance with program goals and grant guidelines.

Funding limitations have constrained the expansion of these programs to all Maryland jurisdictions. Many of the programs funded do serve District as well as Circuit Courts. Other jurisdictions, notably Carroll County, have expressed an interest in having a program in their county.

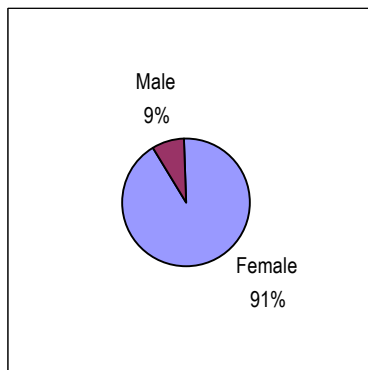
This year the Department of Family Administration was able to continue funding for the Baltimore County POARP project by sub-granting federal Violence Against Women Act (VAWA) funds for the



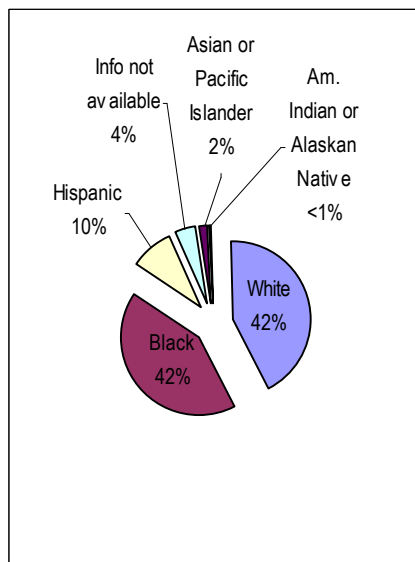
**Judiciary Funded Legal Assistance Programs Serving Victims of Family Violence in the Maryland Courts**



program. Since this was the 3<sup>rd</sup> year VAWA funding had been received for the project, it is likely that federal funding for that project will terminate in Federal Fiscal Year 2004 (October, 2004).



**SPG Grantees Serving Victims of Domestic Violence – Client Demographics – Gender – FY2003**



**SPG Grantees Serving Victims of Domestic Violence Client Demographics – Race/Ethnicity – FY2003**

Increased Special Project Grant funds will be required to consider providing the same level of service to Baltimore County residents in the future.

### Quality of Service for Victims of Family Violence

The Department of Family Administration collects data from Special Project Grantees serving victims of family violence to ensure that these programs are adequately serving the persons for whom they were intended.

### Who Benefits from These Programs?

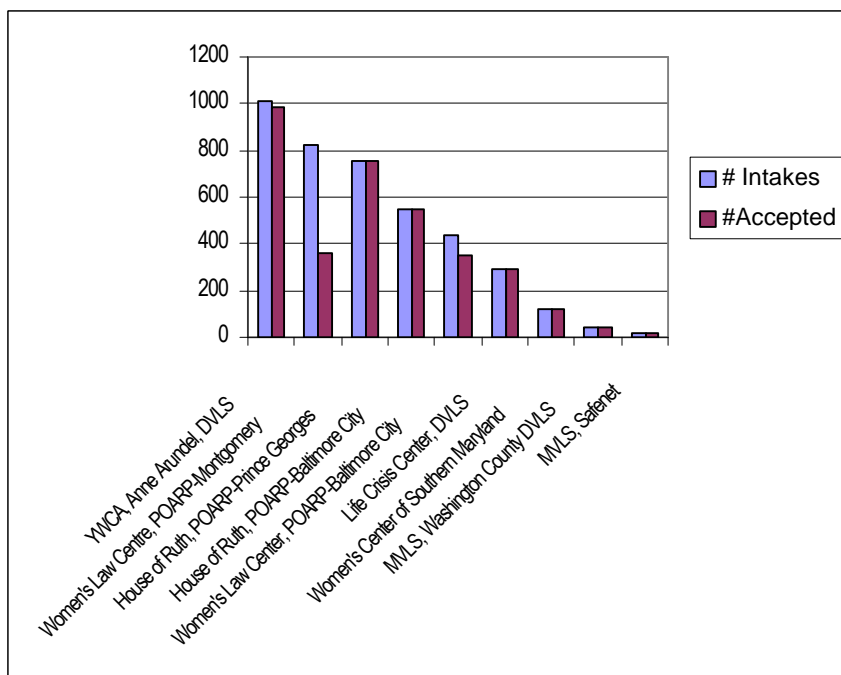
To determine who is benefiting from these programs, the Department of Family Administration collects

demographic data on program users. Some of that information is provided in accompanying charts.

### Highlights and Examples

In addition to the POARP projects and their ilk, Maryland Circuit Courts address the needs of families where there has been a history of domestic violence in a variety of ways.

Several courts have adopted specialized positions and procedures to ensure domestic violence cases are managed effectively and efficiently to ensure victim safety. The Circuit Court for Baltimore City has a **domestic violence case coordinator** who staffs the courtroom where emergency protective order hearings are held. The Circuit Court for Carroll County has a



**SPG Grantees Serving Victims of Domestic Violence – Intakes and Cases Accepted – FY2003**



similar position, **domestic violence court coordinator**, who assists victims in that court. In Carroll County, the court makes a **special effort to contact petitioners after the temporary protective order** hearing to ensure they follow through with their case. In Fiscal Year 2003, the court reported that of 223 petitions filed, only 12 petitioners failed to follow up and attend the final protective order hearing – resulting in a completion rate of 95%.

Through site visits with individual jurisdictions, the Department of Family Administration has been working to ensure that courts are

effectively **screening other domestic cases to identify family violence issues and take appropriate action**. This might include ensuring that cases are not referred for mediation where appropriate, or making referrals to help the victim obtain assistance. The Circuit Court for Harford County's Office of Family Court Services reports that in Fiscal Year 2003, 40-50% of the contested domestic matters referred to that office included some identified domestic violence concerns at the time of the referral.

At least two courts, Carroll County and Frederick County, have been

experimenting with extending the **benefits of alternative dispute resolution to these types of cases**. In Carroll County, parties participate with the Family Law Administrator, in a facilitated session to reach a consent agreement. In Frederick County, the court worked with stakeholders, including a local advocacy group, to establish a **facilitation program** to address the needs of litigants seeking protective order relief from both District and Circuit Courts.

## Standard 2.3 Processing Child Dependency Matters

**The Family Division has jurisdiction over child abuse and neglect procedures so the court will manage and operate a system of case management standards and procedures that is reflective of the Foster Care Court Improvement Project (FCCIP) recommendations published in 1997.**

### Highlights and Examples

The Judiciary's efforts in serving the needs of child victims of abuse and neglect is largely driven by the work of the Foster Care Court Improvement Project (FCCIP) Implementation Committee and its various subcommittees.

During Fiscal Year 2003, the FCCIP continued to work on a variety of fronts to improve the Judiciary's ability to respond to the needs of Children in Need of Assistance.

The Judiciary hosted the **5<sup>th</sup> Annual CINA Conference** in October, 2002 in Solomons, Maryland.

During Fiscal Year 2003, plans were made to add an "attorney track" and "delinquency day" to the

Fiscal Year 2004 conference. That **expanded 3-day conference, renamed the *Child Abuse, Neglect and Delinquency Options (CANDO) Conference*** was held in October, 2003, in St. Michael's Maryland.

The FCCIP planned and hosted a **one-day conference on using alternative dispute resolution in CINA and TPR cases**. The conference was held in April, 2003, and featured a broad variety of speakers and model programs from Maryland and elsewhere.

Individual jurisdictions have likewise taken steps to improve the handling of these important cases. Harford County Circuit Court was able to fully fund its **CINA mediation program** in Fiscal Year 2003. Other jurisdictions, including St. Mary's County, are developing similar programs.

The **Circuit Court for St. Mary's County**, under the direction of Administrative Judge Marvin Kaminetz hosted its **25<sup>th</sup> Annual Child Welfare Day**. The topic for this silver anniversary event was "Too Many Losses, Too Soon: Loss and Grief in Foster and Adopted Children."

In collaboration with the Judiciary's Drug Treatment Court Commission several jurisdictions are forming planning teams, comprised of judges, program coordinators, public defenders, treatment representatives, evaluators, legal aid representatives and social services representatives, to be trained in the **development of Family Dependency (CINA) Drug Courts**. Initiatives for Family Dependency Drug Courts are being planned for Dorchester and Harford Counties. In addition the FCCIP has assembled a statewide team that will participate

in the three trainings over the course of one year sponsored by the National Drug Court Program.

## **Implementation Committee**

The Implementation Committee provides guidance and direction to the FCCIP. The Honorable Patrick L. Woodward, Circuit Court for Montgomery County continues to chair this committee. The Honorable Pamela L. North, Circuit Court for Anne Arundel County, continues to be the Vice-Chair. Not only does the Implementation Committee oversee and approve the work of the various subcommittees, it is responsible for oversight of grant expenditures and setting the vision for the FCCIP.

One of the major tasks that was overseen by the Implementation Committee was the submission of the application for continued funding. The application consisted of a program report, a strategic plan for improvement and a plan for a re-assessment of the FCCIP. The application was submitted in June, 2003, and notification of continued funding was received in September, 2003.

An evaluation of the efforts of the FCCIP commenced in January 2003. The evaluation is being conducted by the American Bar Association, Center on Children and the Law. The completion date is December, 2003.

Over the past fiscal year, the FCCIP awarded small grants to CASA programs in Anne Arundel, Baltimore, Caroline, Carroll, Charles, Frederick, Prince George's, the lower shore counties and Baltimore City. Grants were also awarded to start up ADR programs in Anne Arundel,

Allegany, Baltimore and the Southern Maryland Counties.

The FCCIP staff organized regional multi-disciplinary meetings throughout the State to address the two federal reviews, Title IV-E, which occurred in the summer of 2002, and the Child and Family Services Review (CFSR) scheduled for November 2003. Practice issues relevant to the outcome of these reviews were also discussed. The panel for these multi-disciplinary training meetings consisted of representatives from the FCCIP staff, the Office of the Public Defender, the Maryland Legal Services Program, the Department of Human Resources, the Office of the Attorney General, and the American Bar Association Center on Children and the Law. Over 400 judges, masters, court personnel, attorneys, DSS workers, and others throughout the State participated in these training meetings.

The FCCIP staff has been engaged in several meetings and training programs in preparation for the CFSR. One staff member has been trained and will participate as a state review team member for the CFSR. Members and staff of the FCCIP are scheduled for stakeholder interviews during the on-site review week.

## **CINA Subcommittee**

The CINA Subcommittee commenced revising the TPR and adoption statute approximately three years ago. The bill was submitted during the 2003 legislative session, but was subsequently withdrawn and placed on the list for summer study. As with the CINA Statute, the CINA Subcommittee and its consultants separated the TPR and adoption statute into three separate sections: DSS-Related TPR and Adoption

Proceedings, Private Child Placement Agency Guardianship and TPR Proceedings, and Independent Adoptions Proceedings. This separation will afford judges, masters, practitioners, and others the ability to look in one section and chronologically follow the legal process for the type of proceeding in which they are involved. The TPR legislation will be re-submitted during the 2004 legislative session.

## **Representation Subcommittee**

The Representation Subcommittee is currently chaired by the Honorable Katherine Savage, Circuit Court for Montgomery County.

The Representation Subcommittee focuses on the quality of representation for all parties. The expansion of the representation of parents has become a reality. Although the CINA statute expanded the representation of parents in 2001, this expansion was contingent upon funding. Funding to the Office of the Public Defender for this representation became available October 1, 2003.

The Representation Subcommittee is also working with other agencies and organizations to provide training for attorneys willing to represent parents on a reduced fee or *pro bono* basis. The first training program is expected to occur in early winter.

The first training program for children, parents, and agency counsel was held as part of the Child Abuse, Neglect and Delinquency Options (CANDO) Conference in October, 2003. Over 150 attorneys participated in this full-day training program.

## **Statistics Oversight Subcommittee**

The Honorable Patrick Woodward is now the chair of the reconstituted Statistics Oversight Subcommittee. Master Peter Tabatsko, Circuit Court in Carroll County, is the vice-chair. Focus for this new subcommittee has been on the quality assurance aspect of data collection, which entails enhancing or implementing the modified version of the Maryland Automated Judicial Information for Children (MAJIC) system in Baltimore City, Montgomery and Prince George's Counties, as well as overseeing the transition of MAJIC to the UCS Juvenile module in the other jurisdictions.

The FCCIP also continues to work with Judicial Information Systems (JIS) staff in order to fully implement the Uniform Court System (UCS).

Another effort of the Statistics Oversight Subcommittee has been the development of a "snapshot" statistical report, as well as revision of the aggregate statistical report.

In an effort to assist the courts with the transition of the MAJIC system to the UCS, five training programs were held in September, 2002, for juvenile clerks, court administrators, programmers, and other interested persons to review the uniform terminology and the legal and policy reporting requirements of the automated systems. Another series of four training programs commenced in June, 2003, and was completed in August, 2003.

Finally, the Statistics Oversight Subcommittee developed uniform court orders for CINA and TPR cases. The uniform court orders have been color-coded to assist the

courts in complying with State and Federal laws, specifically the ASFA and Title IV-E requirements. These orders have been implemented in UCS and are also available on the Judiciary Website. The automation of the court orders will assist the courts in completing orders in an expeditious manner.

## **Training Subcommittee**

The Initial Assignment/Orientation Program that was developed by the FCCIP and the Juvenile Law Subcommittee of the Judicial Conference Committee on Family Law was made an Administrative Order by the Chief Judge in December, 2001. In October, 2002, the FCCIP initiated revisions to that Administrative Order in an effort to ensure and track compliance. By statute, the Chief Judge must approve the appointment or assignment of judges and masters to a juvenile court. The Administrative Order was revised to instruct the administrative judges to certify to the Chief Judge that the newly appointed or assigned judge or master has completed the Orientation Program. The Training Subcommittee will continue to work on ensuring that judges and masters are well-trained and educated prior to hearing child abuse and neglect cases.

The Training Subcommittee sponsored another course through the Judicial Institute. This one-day course, held in April, 2003, encompassed an interactive "nuts and bolts" session on CINA cases, from shelter care to the review hearing. Chief Judge Bell made these courses a requirement for new juvenile judges and masters.

Also, the Training Subcommittee held its sixth conference, the CANDO Conference, in October,

2003. This year's conference encompassed a separate track for child welfare attorneys. An additional day for delinquency issues was also added.

## **TPR/Permanency Planning Subcommittee**

The TPR/Permanency Planning Subcommittee sponsored a one-day training program on using alternative dispute resolution techniques in CINA and related cases. Approximately 170 people attended, including judges, masters, attorneys, case workers, CASAs, and other court-related personnel.

Funds were secured to hire permanency planning liaisons for each of the judicial circuits. Five circuits: the 3<sup>rd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup>, have hired persons for these positions. The permanency planning liaisons are working with their respective courts as well as the FCCIP, to assist in managing the CINA and TPR cases. It is anticipated that these hires will be of great assistance in the implementation of the program improvement plan developed from the CFSR.

Finally, the TPR/Permanency Planning Subcommittee also helped secure funds for parent identification and locator services. The biggest effort was in the establishment of the on-site paternity lab in the Circuit Court for Baltimore City. The lab continues to be operational and has enabled the court to identify fathers within 10 days of testing. This early identification allows the local department of social services to work with fathers and paternal relatives in reunification and placement efforts.

## Standard 2.4 Resolution of Juvenile Delinquency Cases

All juvenile delinquency cases are resolved in a prompt and thorough manner within the Family Division, according to the Constitutions of the United States and the State of Maryland, statutory law, and precedent in order to protect society while applying the means necessary to adequately address the developmental needs of the child before the court.

### Juvenile Law Subcommittee

#### Plans for Delinquency Conference Day

The Juvenile Law Subcommittee of the Judicial Conference Committee on Family Law was quite active during the previous fiscal year, tracking Juvenile legislation contained in more than sixty House and Senate Bills, as well as planning for the first **Delinquency Track of the newly expanded Child Abuse, Neglect and Delinquency Options (CANDO) Conference**. This event, held in October, 2003, provided in-depth training for juvenile judges and masters on issues related to the handling of juvenile delinquency matters. Kenneth Montague, Secretary of the Department Juvenile Services, gave the keynote address. Work sessions followed on a variety of topics including a “nuts and bolts” session on delinquency law, juvenile peace orders, and minority over-representation in the juvenile justice system. The participating members of the Bench felt the day was an invaluable addition to their training.

#### Coordination with DJS

The Committee also engaged in a discussion with the newly appointed Secretary of the Department of Juvenile Services, Kenneth C. Montague, at one of its

meetings early in the year. The discussion centered around Secretary Montague’s vision for the Department, as well as fostering a working relationship with the Judiciary to ensure effective and efficient service for children in the juvenile justice system. Additionally, the Committee and Secretary Montague agreed to keep the lines of communication open and to meet to discuss budget and legislative strategies.

#### Juvenile Drug Courts

Of interest and concern to the Juvenile Law Subcommittee is the effect of substance abuse on children and young people. To that end, the Committee has tracked the efforts of the Drug Treatment Court Commission of Maryland with respect to its work in the area of Juvenile Drug Courts. Currently, there are four Juvenile Drug Courts operating in Maryland – Baltimore City and Anne Arundel, Baltimore and Harford Counties. Further, Juvenile Drug Courts are expected to become operational in St. Mary’s, Prince George’s, and Dorchester Counties by the end of this calendar year. Plans are underway to establish Juvenile Drug Courts in Montgomery, Wicomico, Talbot, and Caroline Counties during the next calendar year.

#### Tackling Minority Over-Representation

The Family League of Baltimore City, Local Management Board for

Baltimore City, has secured funding from the Governor’s Office of Crime Control and Prevention and the Open Society Institute to contract with the W. Haywood Burns Institute for Juvenile Justice Fairness for **the new initiative to reduce the over-representation of Baltimore City minority youth in the juvenile justice system**. The Baltimore City Disproportionate Minority Confinement Advisory Board is co-chaired by Dr. Marie Washington, Executive Director of the East Baltimore Community Corp. and the Honorable David Young, Circuit Court for Baltimore City.

### Highlights and Examples

Each Circuit Court Family Division and Family Services Program has made an effort to direct resources to improving the handling of juvenile delinquency matters.

Two jurisdictions, **Dorchester and Baltimore Counties** were awarded federal Byrne grants to initiate **juvenile drug courts**.

Most jurisdictions make referrals to a wide range of diversion programs operated by or in collaboration with DJS and local State’s Attorney’s Offices. For example, the **Circuit Court for St. Mary’s County** refers cases to a **Teen Court** – a peer review program for juvenile offenders initiated as a result of a proposal developed by a St. Mary’s College of Maryland student.



Other jurisdictions have worked with local community based providers to initiate **delinquency prevention programs**. The Somerset County family support services coordinator applied for and

obtained a small grant to offer sports and recreational activities for developmentally challenged youth in the community. The Circuit Court for Kent County has partnered with local organization to

operate a **Teens in the Middle** program at local middle schools, and **PACTS (Parents and Children Targeting Success)**, a truancy prevention program.

## Standard 2.5 Coordination of Family Legal Issues

**The Family Divisions assess and identify all court matters relating to the same family in a timely and expeditious manner. In doing so, the Family Divisions apply uniform criteria for determining the need to coordinate or consolidate those matters in order to refer all matters involving the same family to the same judge or to the same case management personnel or team.**

### A Team Approach

Each jurisdiction has assembled a team of professionals to serve the needs of families and children. Those individuals may include family support services coordinators, parent educators, mediators, mental health professionals, custody evaluators, juvenile court coordinators, masters and judges. Typically each administrative judge appoints a **Family Division Judge-in-Charge** who provides guidance and direction for the court's Family Division. Most Family Divisions hold regular meetings where information can be exchanged and policies developed.

### Parent Coordination

#### Providing Intensive, Consistent Intervention for High Conflict Families

Many family courts around the nation have been experimenting with ways to address the needs of very high conflict families – those

families that return again and again to litigation, whose cases often involving complicating issues including family violence, substance abuse or child maltreatment. One strategy is “parent coordination.” A parent coordinator is often a mental health professional, trained in mediation. They meet regularly, sometimes weekly, with the family. They usually conduct some type of assessment so that they know the family's and family members' strengths and weaknesses. They may attempt to resolve major issues in the case. More importantly, they are available to work with the parents to resolve day-to-day conflicts.

This type of service may be especially invaluable where the parents have not been able to develop the communication skills necessary to parent their children cooperatively.

The parent coordinator provides a consistent point of contact for the family with the court, can convey information about the family to the

court, and assists the family in avoiding future litigation. In some states parent coordinators play an important post-judgment role, continuing to work with the family after the case is concluded.

In **March, 2003**, the Department of Family Administration hosted a two-day course for custody and mental health providers. The course, *Working with High Conflict Families*, was taught by Dr. Janet Johnston, a nationally-known expert on the dynamics of divorcing and separating families and one of the pioneers of the parent coordination model of service.

Other jurisdictions, notably Harford County, have brought in experts to train court professionals in the parent coordination model.

Recently, the **Circuit Courts for Harford and Frederick Counties** have trained parent coordinators and begun making referrals for this service in critical high conflict cases

## Equality, Fairness and Integrity

These goals are key to ensuring the efficacy of any adjudicatory system. The Maryland family justice system must maintain the hallmarks of equality, fairness and integrity in order to win the respect of the public and those who come before the court. The power of the court lies almost entirely in the trust individuals have in the process. Without that, paper orders and verbal pronouncements will go unheeded. The court must earn that trust by providing a fair and equitable forum for the resolution of family disputes.

### Standard 3.1 Integration of Related Family Matters

**Family Division litigants have enhanced ability to comply when there is integration of related matters so that changes for conflicting orders are minimized. Moreover, pro se litigants are afforded a uniform intake process that includes a uniform mechanism for case reception and establishment.**

#### Consistent Orders, Improved Coordination

##### Domestic Violence Transfers

District and Circuit Courts share concurrent jurisdiction for family violence cases. This has created the potential for conflicting orders when opposing parties seek relief from different courts. The Maryland Rules now permit the transfer of cases between District and Circuit Courts when there have been multiple filings or when related cases are pending in Circuit Court.

The Department of Family Administration has worked with the courts to ensure they have access to their corresponding District or Circuit Court case information system so that related cases can be identified and appropriate cases transferred.

##### Case Information System Improvements for DV Cases to Streamline and Coordinate Orders

During Fiscal Year 2003, Judicial Information Systems (JIS) developed a Project Plan for a new domestic violence case information system. The new system would

migrate existing stand-alone databases operated by each District and Circuit Court jurisdiction, to a single, integrated database. The database would provide a single, integrated source in Maryland for obtaining information about domestic violence cases and copies of current orders. The system will eventually be web-enabled so law enforcement officers in Maryland and elsewhere can confirm and quickly obtain copies of protective orders. This innovation will save victims lives and improve Maryland's compliance with the Full Faith and Credit provisions of the Violence Against Women Act.

The project began with the creation of improved, but as yet independent

domestic violence databases. The new systems will permit the use of online petitions and forms and allow judges to create typed, legible protective orders in the courtroom for immediate distribution and service. Later

phases will include the transfer of the individual databases to a single statewide database.

A multi-year timeline was developed and a project team assembled. Initial steps have been

taken with existing resources, but ultimately a significant financial investment will be required to bring the project to completion. The Judiciary is actively seeking outside funding to enable the project to move forward.

## **Standard 3.2 Fairness and Equality for Court Staff**

**The Family Division observes standards of fairness and equality for all staff of the court, including those who provide services to litigants in the Family Divisions.**

### **Valuing Individuals, Including Ourselves**

#### **Walking the Walk**

In implementing Family Divisions and Family Services Programs, the Maryland Judiciary attempts to “walk the walk,” valuing families and individuals including those who work for the family justice system.

One way this has manifested itself within the Administrative Office of the Courts (AOC), has been an attempt to use conflict resolution processes to resolve workplace disputes. During Fiscal Year 2003, plans were made and a trainer hired to provide dispute resolution training for all AOC staff.

### **Providing All an Even Chance**

#### **Fair Processes for Potential Contractual Providers**

As a condition of accepting Family Division/Family Services Program grants, individual jurisdictions must agree to comply with local procurement practices to ensure

that all contracts are bid fairly and equitably. Because most local governments have minority business enterprise (MBE) programs, this should mean that contracts are being awarded in a way that promotes the minority-owned businesses in the State.

During site visits, Family Administration staff regularly review local procurement practices to ensure compliance with the requirement.

The Department of Family Administration follows the AOC’s procurement practices which include an active MBE program.

#### **Fair Practices in Awarding Grant Funds**

The Department of Family Administration publishes Notices of Funding Availability for Special Project Grants in the *Maryland Register*, and distributes copies widely to a broad range of potential grantees. Grant proposals are reviewed by an internal grant committee. The Department of Family Administration is regularly audited and recently completed both an internal audit as well as a legislative audit.

### **Promoting Uniformity in a Decentralized System**

While the Circuit Courts remain substantially locally-funded, a number of significant segments of the family justice system have come under state control and responsibility. This has permitted the Judiciary to develop uniform positions, grades and salaries. Judges, elected clerks and their staff, have long been State employees. Within the last two years, masters and law clerks positions have been assumed by the State. Uniform position descriptions, grade structures and salaries have been developed for those positions. While some masters remain county employees, the county is compensated at the standard rate for those positions and when those positions become vacant they become State positions.

Even when positions remain under local government control, Family Division/Family Services funding is leveraged to promote consistency. For example, a uniform amount is provided through the grants for family support services coordinators in the various Family Services Programs.

## Standard 3.3 Responsiveness to Child Support Issues

**The Family Division responds to any court-focused child support initiatives from the Maryland legislature in a manner that facilitates an equal and fair response to all parties involved in child support issues.**

The Maryland Judiciary has several vehicles for improving the handling of child support cases in the State.

### Legislative Initiatives

#### Child Support Subcommittee

The **Child Support Subcommittee of the Judicial Conference on Family Law** reviews pending legislation, and considers legislative reform and policies that will improve the Judiciary's ability to ensure that children receive the financial support they need. In Fiscal Year 2003, this subcommittee was chaired by the Honorable Dexter Thompson, Circuit Court for Cecil County.

During the 2003 legislative session, the subcommittee, through the Judiciary's legislative package, submitted a bill that would have improved the efficacy of criminal non-support and criminal contempt. While the bill was defeated, the subcommittee is continuing its

work and hopes to resubmit the bill in the 2004 session.

### Program Innovations

#### Child Support Incentive Fund Committee

The **Child Support Incentive Fund Committee of the Conference of Circuit Court Clerks** uses incentive funds provided as a part of the Judiciary's Title IV-D contract. In Fiscal Year 2003, the committee issued a Notice of Funding Availability and invited Circuit Courts to apply for funding for innovative projects. Several case file automation projects were funded, along with a "Nurturing Fathers" program in Worcester County and the "Children First" program in Charles County. The latter two were delayed during Fiscal Year 2003, because the federal government did not provide timely approval. Approval was finally secured in Fall, 2003 and projects will commence during Fiscal Year 2004. The "Children First"

program provides on-site mediation of collateral issues (custody/visitation, etc.) identified in child support establishment or enforcement matters.

### Coordination with CSEA

The Deputy Director of the Department of Family Administration serves as a liaison to the Child Support Enforcement Administration. The Judiciary regularly partners with CSEA to plan for the appropriate use of Title IV-D funds to improve the support enforcement system.

Recently, the Department of Family Administration jointly planned and provided Statewide training programs for support enforcement staff, judges, masters and court staff on new Earnings Withholding Order laws and policies.

The Department of Family Administration continues to provide, maintain and update forms for use in child support cases.



## Standard 3.4 Treatment of Unrepresented Parties

**The Family Divisions endeavor to provide for each person within their jurisdiction equal care and fair treatment, without regard to representational status. To this end, should a party who is not represented wish legal representation, Family Divisions refer them to potential legal representation resources.**

### A Coordinated, Statewide Approach To Assisting the Self-Represented

#### Pro Se Assistance Projects

Maryland is unique among family justice systems. It is one of the few states that has adopted a coordinated, statewide approach to assisting the self-represented. Maryland citizens have universal access to “Pro Se Assistance Projects.” These free, walk-in legal clinics are available in every Circuit Court in Maryland. These programs are in extremely high demand, serving 37,862 individuals in Fiscal Year 2003. Litigants can obtain forms, procedural information and legal advice from these on-site clinics in each courthouse.

In an effort to ensure that these programs are well-managed, the Department of Family Administration, in partnership with the Maryland Legal Assistance Network and pro se service providers across the State, completed the development of a set of **Pro Se Program Best Practices**. The document is currently being vetted. Once

approved it will be distributed to courts across the State to guide them in managing these key services.

The comprehensiveness of Maryland’s approach to serving the self-represented has assisted the Department of Family Administration in attracting outside funding. The Department was recently awarded a **grant from the State Justice Institute** to pursue a **nationwide study of state court programs to assist the self-represented**. The grant will permit Maryland to test an evaluation protocol for pro se projects designed by a consortium of state courts and to conduct an in-depth assessment of five Pro Se Assistance Projects across Maryland. The study will also look at 5 or 6 other states across the nation, providing key benchmark data for evaluating these programs.

#### Forms: A Key Tool for the Self-Represented

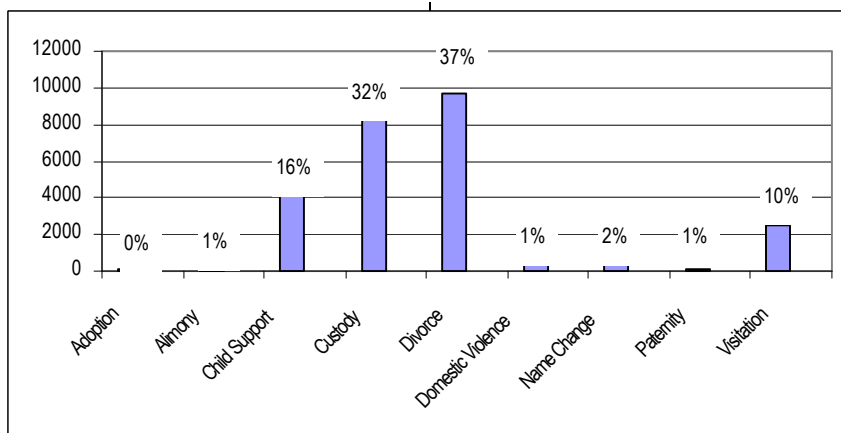
The Department of Family Administration continues to maintain the **Domestic Relations Forms online**. These critical tools enable thousands of individuals to file and respond to pleadings and motions, who might not otherwise be able to participate in the family justice process.

Funding limitations have impeded earlier plans to provide multi-language access to the forms. It is hoped that this initiative can be reinvigorated once sufficient funding becomes available.

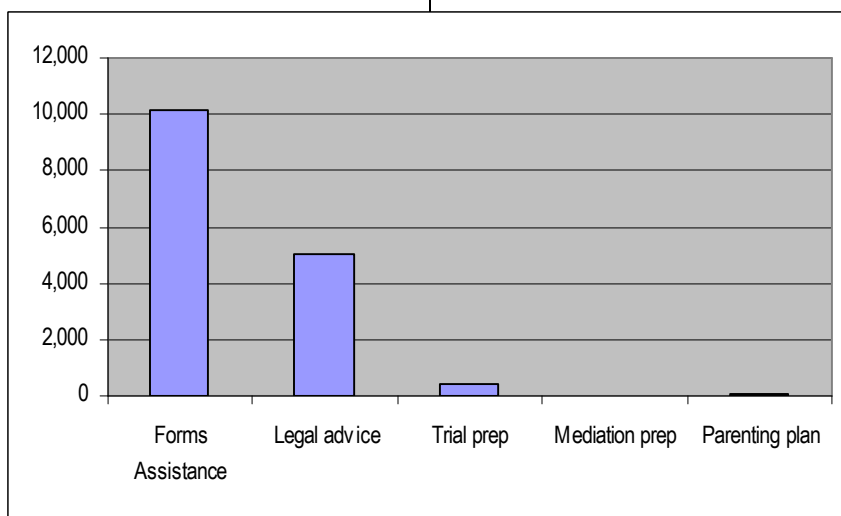
### Understanding the Needs of the Self-Represented

#### Data Collection Efforts

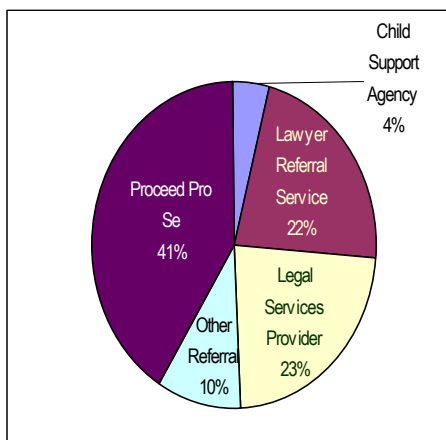
In order to plan effectively to address the needs of the self-represented, the Department of Family Administration collects and compiles data from every jurisdiction on **the number of individuals appearing without benefit of counsel** at a variety of stages of domestic litigation. In addition, all Pro Se Assistance Projects collect and report on the **demographics of self-represented individuals** who make use of the program. The accuracy of the data has improved over the past year. The Department of Family Administration provides technical assistance regularly to individual jurisdictions to assure data collection in this area and others is accurate.



**Assistance Provided by Pro Se Assistance Projects by Case Type – FY 2003**



**Assistance Provided by Pro Se Assistance Projects by Service Provided – FY2003**



**Referrals and Recommendations Made – Pro Se Assistance Projects – FY2003**

One key function of the Pro Se Assistance Projects is to assist litigants in determining if it is appropriate for them to represent themselves. All Pro Se Assistance Projects refer litigants to appropriate legal services or other programs if their case is better served by having some form of representation. In Fiscal Year 2003, only 41% of the individuals who were aided by Pro Se Assistance Projects were advised that it was appropriate to proceed pro se. The remainder were advised to seek the assistance of another community based legal

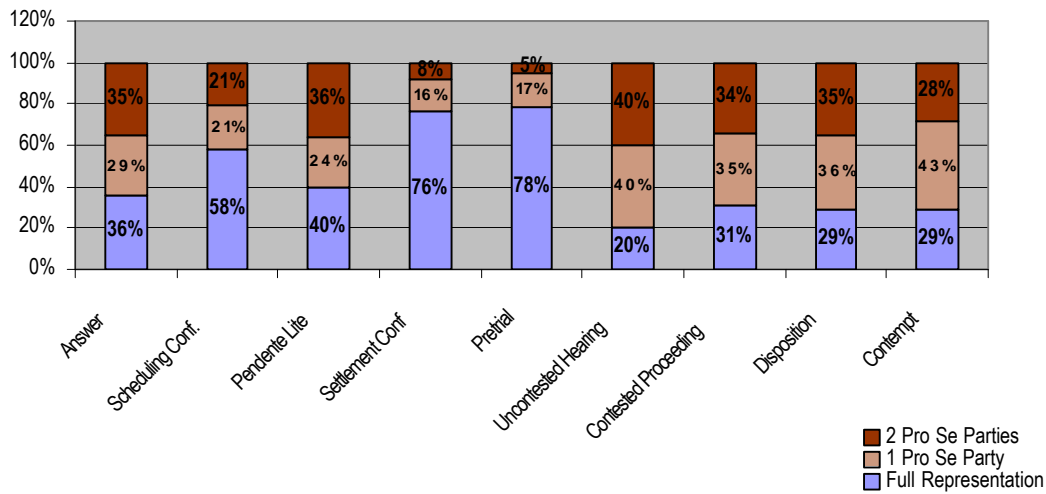
services provider or other program that could assist them.

## How Many Individuals Are Self-Represented?

In order to get a true picture of the impact of self-representation on the family justice system, it is important to look at pro se appearances at a variety of stages of litigation. A court case is not a single, finite event but a series of events that happen over time. Individuals may begin their court case believing they can handle the case themselves but may end up engaging an attorney once it becomes clear that the case is contested or a trial is pending. In other instances, individuals may run out of funds before the case is over and be forced to discharge their attorney. Data is collected through the Judiciary's information system to track the number of domestic cases that involve one or more self-represented persons at various stages.

The level of self-representation can vary greatly by jurisdiction. In the Circuit Court for Baltimore City, 82% of litigants were self-represented at the time the Answer was filed. This compares to 64% statewide.

The level of self-representation also varies from one stage of litigation to the next. It is very difficult to draw conclusions as to why this is the case. Further research is needed to determine why, for example, 76-78% of cases have full representation (both parties represented) at the time of a pre-trial or settlement conference, but only 31% of cases that go to a contested trial are cases where both parties are represented.



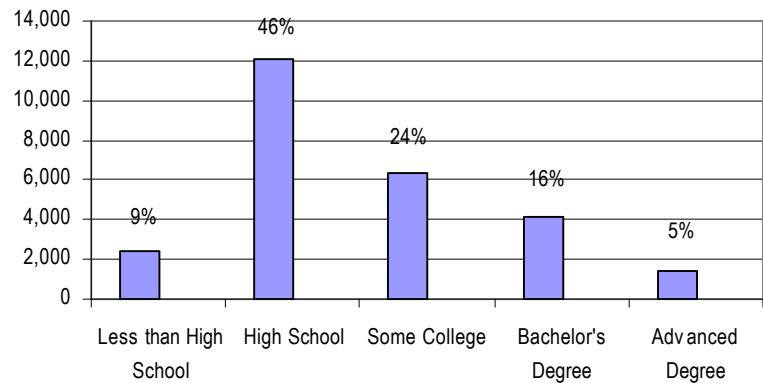
**Pro Se Appearances in Domestic Litigation – FY 2003**

## Who is Unrepresented?

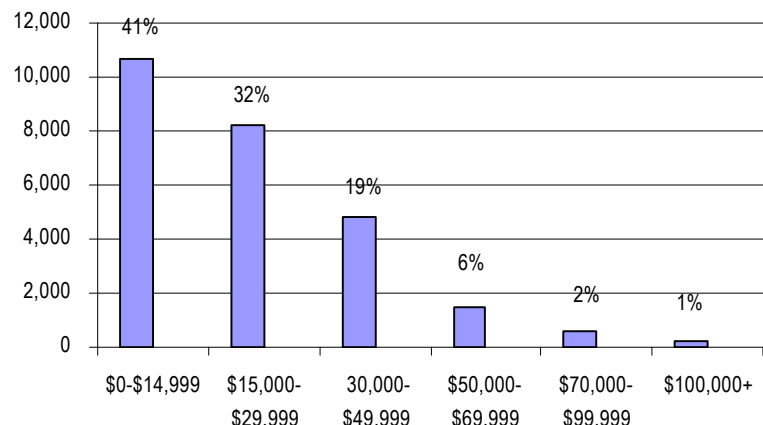
### Pro Se Demographics

While the Judiciary's information system does not currently permit courts to capture demographics of self-represented litigants, we can get some sense of who is appearing without benefit of counsel by looking at the demographics for Maryland's Pro Se Assistance Projects. Individuals who request assistance from any of the 24 court-operated walk-in clinics are asked to complete a one-page demographic questionnaire.

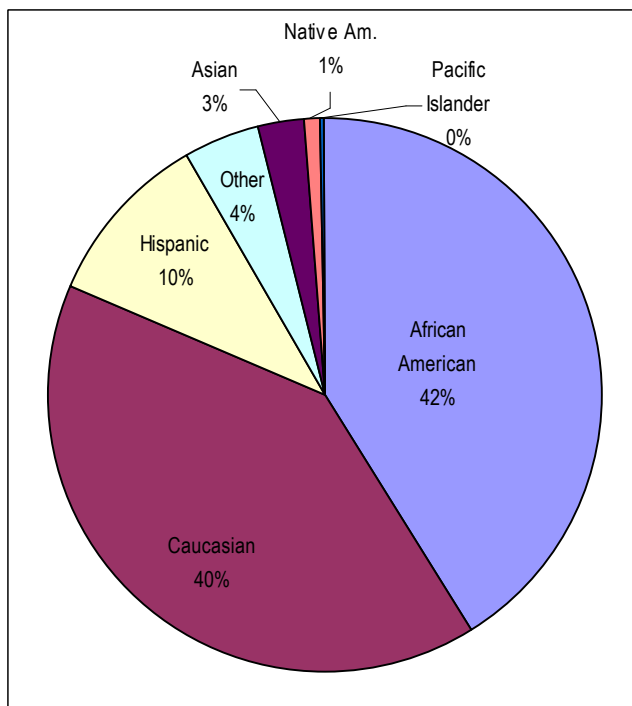
While there are local variations, the typical self-represented litigant is an African-American female with a high school education and a household income of under \$15,000 per year.



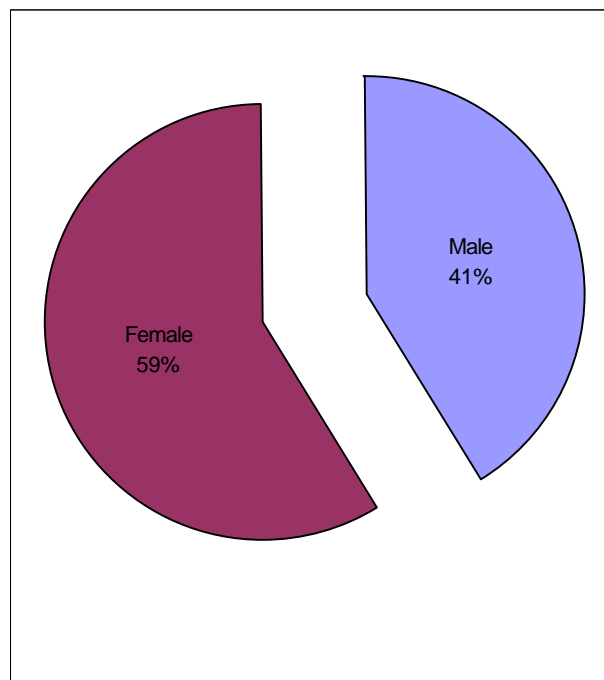
**Pro Se Assistance Project Demographics – Highest Level of Education – FY2003**



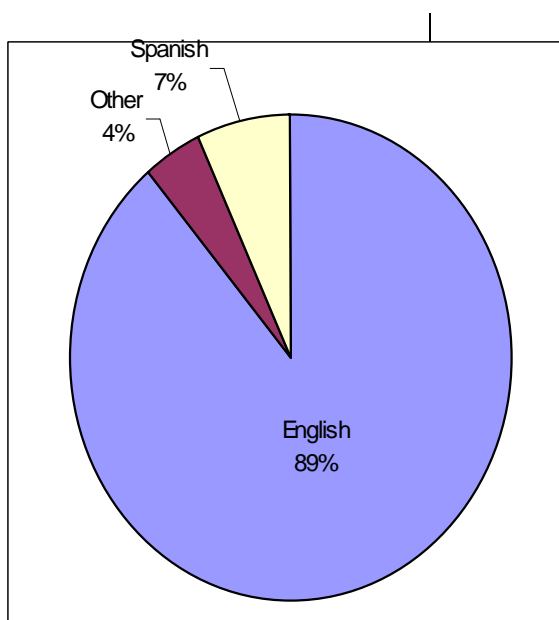
**Pro Se Assistance Project Demographics – Household Income – FY2003**



**Pro Se Assistance Project Demographics – Race/Ethnicity – FY2003**



**Pro Se Assistance Project Demographics – Gender – FY2003**

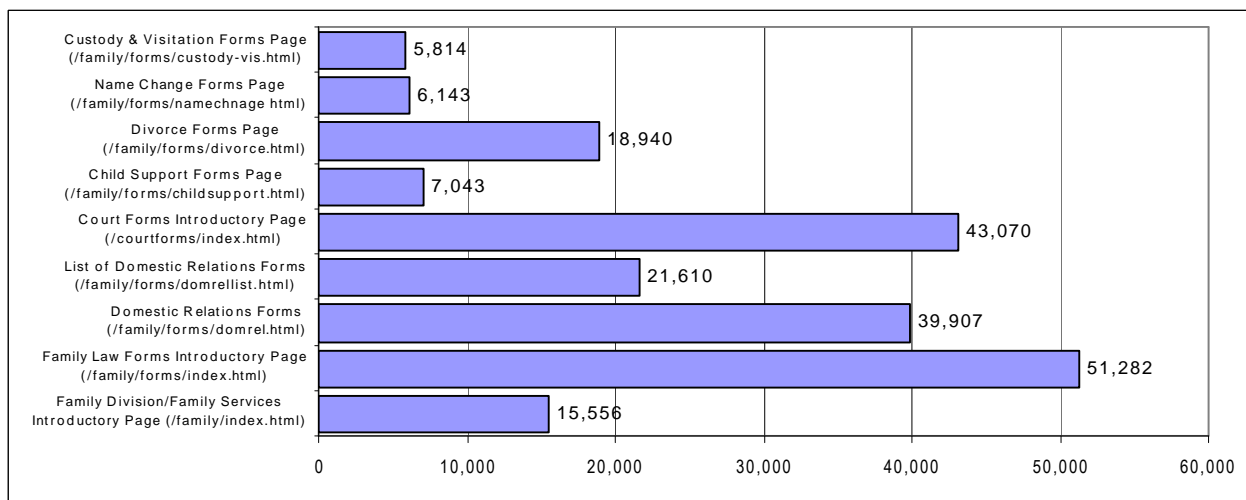


**Pro Se Assistance Project Demographics – Primary Language Spoken – FY2003**

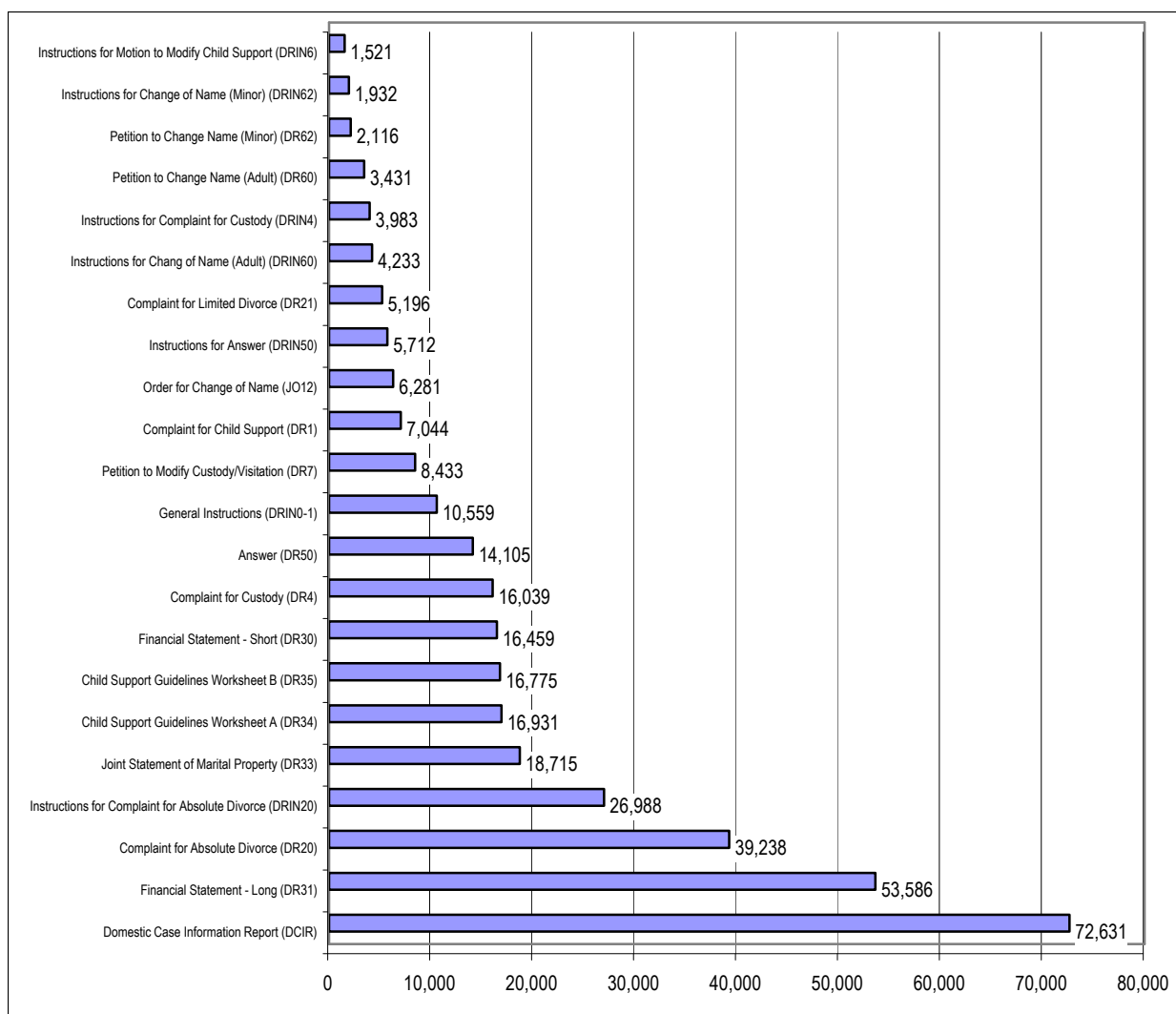
## Website & Forms Usage

Another measure of pro se activity is the extent to which other pro se resources are used. The

Judiciary tracks use of the [www.courts.state.md.us/family](http://www.courts.state.md.us/family) website which serves as an introduction to Family Divisions in the State, as well as the use of the domestic relations forms. This web activity can be seen as a gauge of the demand for pro se assistance.



**Highest Volume Family Web Page Hits - FY 2003**



**Domestic Relations Forms with Highest Volume Web Hits – FY 2003**

# Independence and Accountability

Adhering to values of independence and accountability ensures that a system of justice will retain the respect and confidence of those who come before it. The Judiciary regularly evaluates its performance to ensure the accountability of the family justice system.

## Standard 4.1 Performance Issues

**The Family Divisions conduct regular reviews of their performance to assist with the responsibility to manage effectively, to participate actively in long range planning, to identify and pursue needed resources, and to account publicly for performance.**

### Annual Evaluation Cycle

Maryland Circuit Court Family Divisions and Family Services Programs are subject to a series of regular evaluation protocols. Each Family Division or Family Services Program submits **quarterly financial and program reports** to the Department of Family Administration at the Administrative Office of the Courts. This information is used to measure financial accountability and ensure programs are on track. This data is compiled annually and incorporated into this **annual report**.

Each jurisdiction also provides **individual annual reports** each October reflecting on their accomplishments during the previous year.

During Fiscal Year 2003, the Department of Family Administration inaugurated regular **site visits** for all jurisdictions and Special Project grantees. A uniform site visit questionnaire is used to ensure key performance

indicators are addressed. Any problems or areas for improvement are provided as recommendations to the county administrative judge.

Jurisdictions and Special Project Grantees all agree to submit to an **audit** upon request.

### Performance Standards and Measures

The Judiciary adopted a set of **Performance Standards and Measures for Maryland's Family Divisions** in 2002. These standards serve as the measure by which evaluations and site visits are conducted. They provide guidance to all jurisdictions in developing long-range plans and establishing priorities for future development.

### Best Practices

To provide guidance to the individual courts in managing programs, the Department of Family Administration has begun working with stakeholders to develop best practices for the

various disciplines that have evolved with the creation of Family Divisions. To date two draft documents have been created: **Pro Se Program Best Practices**, and **Family Court-based ADR Program Best Practices**.

### Foster Care Assessments

Over the past year, the Foster Care Court Improvement Project has been involved in two key evaluative projects that will provide insights into the Judiciary's effectiveness in responding to CINA and TPR cases.

### FCCIP Follow-up Assessment

During 2003, the Foster Care Court Improvement Project engaged the American Bar Association to conduct a reevaluation of the Judiciary's role in handling CINA and TPR cases. The study was intended as a follow-up to the 1997 assessment that established the FCCIP's current set of goals and objectives.

## Child and Family Service Review (CFSR)

During Fiscal Year 2004, the FCCIP will be participating in the Child and Family Services Review, a federal audit of Maryland's performance in providing for the needs of families. Already, FCCIP staff have been hosting multi-disciplinary meetings across the State to ensure Maryland is meeting federal standards in this area.

## Grant Funded Evaluation Projects

Recently, the Department of Family Administration was awarded two

grants from the State Justice Institute for key evaluation projects. Work on both these projects will be accomplished during Fiscal Year 2004.

### Survey Development

The first grant was awarded to permit the Department to engage a consultant to develop four survey instruments and an implementation plan that will provide how those tools should be used as part of a regular evaluation cycle. Surveys to be developed include a Client Satisfaction Survey, an Attorney Satisfaction Survey, and exit surveys for participants in the Pro Se Assistance Projects and in

Alternative Dispute Resolution services.

### Pro Se Evaluation

The second grant will permit the court to evaluate two Pro Se Assistance Projects using an evaluation protocol developed by a consortium of trial courts. These will be part of a nationwide study of state court projects to assist the self-represented. The data gathered from the several project assessments will be posted on the National Center for State Courts website and will serve as the first installment of what will be benchmark data for courts seeking to evaluate these types of programs.

## Standard 4.2 Information Sharing

**The Family Divisions endeavor to share information about their effective case management and processing practices within each jurisdiction, which practices may then be replicated.**

The Department of Family Administration provides regular opportunities for the exchange of information.

A key tool in information sharing will be the development of **Best Practices documents**, as discussed above. These documents are currently being reviewed by the Committee on Family Law. Once approved they will be disseminated to all jurisdictions.

### Regular Opportunities to Exchange Information

The Department of Family Administration creates regular opportunities for family court professionals to gather to exchange information and share new ideas. The Department continues to host **quarterly meetings for family support services coordinators and Family Division administrators**. For the last two years that group has held an annual retreat to reflect on their accomplishments, identify the "best new ideas" for the year, and identify goals for the coming year.

Meetings and training programs for other professionals have been organized, including opportunities for **pro se assistance providers**,

### mediators and custody and mental health providers.

The Department of Family Administration partners with Maryland's Mediation and Conflict Resolution Office (MACRO) to plan ways to **promote the field of family mediation**. The Department's Executive Director is actively involved in MACRO's Family Initiative which is planning a conference for 2004.

The Department continues to publish **Family Matters**, a quarterly newsletter distributed to all members of the Maryland family justice community. This year a new feature was added to update readers on recent developments in case law.



## Standard 4.3 Fair and Efficient Forum for Dispute Resolution

**The Family Divisions are fair and efficient forums for the resolution of family disputes. They endeavor to engage in uniform practices, including dispute resolution, fee collection, forms, access to services, appropriate data base linkages, information sharing and case management practices.**

Family Divisions and Family Services Programs best exhibit a “fair and efficient forum” when they play the role of “problem-solving courts.” Circuit Courts no longer evaluate their performance solely on their ability to “move cases,” but are able to balance their case management responsibilities with the need to ensure that the individuals involved in the process are empowered and given the opportunity to make decisions themselves, when possible.

### Promoting Conflict Resolution Skills for Court Professionals as Well as Litigants

#### Co-Parenting Courses Set the Stage for ADR

Sometimes parents themselves have to be given permission to reclaim the decision-making processes for themselves. During co-parenting education, parents discuss ways to ensure that their decision-making remains **child-focused**. Parents are oriented to the mediation process and taught

what to expect and how to get the most from the process.

### Mediation Training for Judges, Court Professionals

Each year 60 hours of mediation training is made available to judges, masters, coordinators and other family court professionals. The courses are offered to give those individuals an opportunity to develop their conflict resolution, improve their neutrality, and help them better understand and make better referrals for mediation and other forms of ADR.

## Standard 4.4 Safety and Security

**The Family Divisions aspire to provide a safe and secure environment for system users and personnel. Sufficient resources must be committed to ensure adequate safety and security for vulnerable persons, including victims of domestic violence and of child abuse and neglect.**

All jurisdictions and Special Project Grantees are charged with providing services in a physical environment that promotes the safety and security of all participants. The Department of Family Administration regularly reviews the efforts jurisdictions and grantees are making in the area through regular **site visits**.

Circuit courts operating visitation services must be especially important to ensure that custodial and non-custodial parents can

access the program safely and securely. These services often require separate entrances to minimize or avoid conflict between family members where there is a high level of hostility.

Now that Family Divisions have been in existence for five years, several courts have had the opportunity to consolidate office space and create unified suites for family support services coordinators and family services

programs. This has improved security in some cases.

For the most part, however, the response to security concerns is largely locally driven. Local governments continue to maintain responsibility for the building and security of the physical plant in all Circuit Courts. While there have been improvements in the last two years, there are still several jurisdictions where there is no regular law enforcement presence in the courthouse.



## Standard 4.5 Uniform Qualifications

**Each Family Division operates in a predictable and uniform manner with respect to uniform staffing needs, job qualifications, and clearly articulated job descriptions. A uniform training module for family division judges, masters and staff is utilized for all new personnel of the Family Divisions.**

The Department of Family Administration has worked with all jurisdictions to shepherd a relatively uniform structure for Family Divisions and Family Services Programs statewide. Some of these efforts have been reinforced by statutory and funding changes that permitted the conversion of certain “segments” of family divisions to migrate to state control.

### State Control Permits Measures of Consistency

Over the past two years, statutory changes have transitioned **Circuit**

**Court masters and law clerks to state employment.** These positions, formerly held by local governments, reverted to the State. The State assumed fiscal responsibility for these positions. This permitted the Judiciary to develop a uniform job description for these positions and impose a uniform salary structure.

### Shepherding Uniformity for Local Government Positions

The Department of Family Administration uses its leverage as

a grantor to promote uniformity across the State in how family support services coordinators are utilized and compensated. A uniform amount is provided for the position in all 19 non-division jurisdictions. All administrative judges are provided with a recommended job description for the position.

Larger jurisdictions are permitted to configure the position differently since the need in larger jurisdictions is slightly different and because those jurisdictions often have Family Division Administrators.

## Public Trust and Confidence

All the efforts made to improve the family justice system will reinforce the court's effectiveness by improving the public's trust in the judicial process. The orders the court promulgates are only as powerful as the authority with which the public vests them. Litigants are often surprised to realize that courts have no private army available to enforce court orders. Ultimately, those orders are effective because individuals have confidence in the courts. If the public perceives that the family justice system is fair and equitable, they willingly enter into the social convention that reinforces the validity of the decisions that result from that process. Basically, they agree to submit to those orders. This is the fragile foundation of any civil justice system. It must be carefully cultivated and maintained.

### Standard 5.1 A Therapeutic, Holistic, Ecological Approach to Family Law Decision-making

**The approach of Maryland's Family Divisions to family law decision-making is therapeutic, holistic, and ecological in its perspective.**

#### When a Decision is Yours, It Hasn't Been Decided "Wrong"

#### Empowering Individuals to be the Ultimate Decision-makers

It is common parlance among civil litigators that "Fifty percent of all cases are decided wrong – just ask the losers." When two opponents go to trial, in all likelihood someone will "win" and someone will "lose." The latter, looking for a bogeyman can always blame the courts for making a "wrong" decision. This means that 50% of

litigants may leave the judicial process with a bad taste in their mouth.

Maryland's Circuit Court Family Divisions and Family Services Programs educate the parties in family cases, and provide parties with multiple opportunities to reach a settlement without going to trial.

There are two reasons the courts try to empower individuals in these cases to be the ultimate decision-makers for themselves and their families: 1) because parents, especially, are more knowledgeable about their children's needs and capable of making a better decision for themselves and their children; and 2) because when an individual has ownership over a decision, he or she is more likely to feel that the "right" decision was made – even if that decision required them to compromise or sacrifice one of their own objectives.

Courts, therefore, make extensive use of alternative dispute resolution techniques. Maryland citizens in every jurisdiction can avail

themselves of child access (custody/visitation) mediation. Many other jurisdictions provide formal mediation programs for marital property issues. An increasing number of jurisdictions are offering mediation for CINA and TPR cases. Other forms of ADR in use include facilitator programs, volunteer attorney settlement panels, settlement and pre-trial conferences and parent coordination.

### Experimenting with Parenting Plans

The Circuit Court for Baltimore City was awarded a

Special Project Grant in Spring 2003 to initiate a Parenting Plan Pilot Project. That program will implement a dispute resolution model that would assist parents to develop comprehensive parenting plans. It mirrors the parenting plan provisions of the *American Law Institute's (ALI) Principles Governing the Allocation of Responsibility for Children*. The pilot includes the use of a control group to permit a more objective evaluation of the merits of the program. One purpose of the pilot will be to assess the feasibility of implementing statutory reform in this area by adopting a portion of the *ALI Principles* in Maryland.

## Standard 5.2 Fairness, Courtesy and Civility

**The Family Divisions provide a forum for litigants that is fair, courteous and staffed by personnel who conduct themselves according to established standards of civility.**

### Obtaining Outside Feedback

As aforementioned, the Department of Family Administration was recently awarded a grant from the State Justice Institute to develop four evaluation tools. Two of those will provide important feedback from stakeholder groups that will have a direct reflection on the courts' ability to provide a forum that is fair, courteous and civil.

The Department and its consultant will work with attorneys and litigant stakeholder groups to develop a **Litigant Satisfaction Survey** and an **Attorney Satisfaction Survey** that will assist the Judiciary in evaluating its performance in this regard.

The other two surveys will be used to solicit participant feedback from alternative dispute resolution

programs and pro se assistance projects.

The consultant will also be developing an implementation plan to help the Judiciary plan the sample size required, data collection methods, and frequency with which the surveys should be used to ensure statistically significant results are obtained.

In addition to these efforts, individual jurisdictions are encouraged to establish **advisory boards** for the Family Divisions to ensure the court has regular opportunity for obtaining outside feedback. Many family support services coordinators participate in local **bar association family law committees**, where those exist, in an effort to stay abreast of the perspectives of local counsel.

### Promoting Professionalism

#### Task Force Submits Report and Recommendations

The Maryland Judicial Task Force on Professionalism, appointed by Chief Judge Bell in April, 2002, recently completed its work. The Task Force, chaired by Court of Appeal Judge, the Honorable Lynne A. Battaglia, hosted a series of town hall meetings. Its recently submitted Report includes recommendations designed to raise the standard of professionalism in Maryland's legal community. Lawyer professionalism has an impact on public confidence in the legal system. The Report and Recommendations are currently being reviewed and considered by the Court of Appeals.

## Standard 5.3 Visible Presence in the Community

The Family Divisions must be a visible presence in the courthouse and the community.

### Integrating Family Divisions into the Community Network Supporting Families

One key way Maryland's Circuit Courts have been effective in enhancing their visible presence in the community has been by participating in local management boards, multi-disciplinary teams and other interagency forums.

For example, the administrative judge for the Circuit Court for Charles County, the **Honorable Robert C. Nalley was appointed to that county's local management board**, the Human Services Partnership.

Kent County's family support services coordinator, Rebecca K. Taylor, serves as the founder and co-chair of the **Parenting Roundtable**. She participates in the **Local Management Board** and regularly collaborates with the local juvenile residential treatment center, the local substance abuse treatment center, local mental health providers, the Bureau of

Support Enforcement, the local department of social services, the local domestic violence shelter and advocacy group, the local family support center, the Department of Juvenile Services, the Board of Education, Head Start and the Health Department.

The family support services coordinator in Dorchester County, Amy Craig, chairs that county's **Community Child Protection Team**, an interagency juvenile coordinating council.

By providing at minimum a family support services coordinator, the Maryland Circuit Courts have been able to stay well integrated in the community network of agencies and organizations supporting families.

### Publications and Web Presence

Courts provide information to the public about available resources and programs by offering brochures, publications and information on the Internet.

The Department of Family Administration provides a centralized website for the Circuit Court Family Divisions and Family Services Programs with links to individual jurisdictions.

The Judiciary's activity book for children going to court in Maryland, *My Day at Court*, is still in high demand and is in its second printing of 20,000.

### A Physical Presence in the Courthouse

#### Renovations, Signage

While funding has limited capital improvements for most local governments, over time several Circuit Courts have been able to reconfigure offices to provide a location within the courthouse to house together the staff and programs that make up the Family Division. Improvements have likewise been made in many jurisdictions in signage to reinforce that presence and assist litigants in finding the person or program they need within the courthouse.

## **SUSTAINING THE LONG TERM BENEFITS OF FAMILY COURT REFORM**

**MARYLAND GAVE A SIGNIFICANT GIFT TO ITS CITIZENS IN 1998 WHEN IT CREATED THE FAMILY DIVISIONS AND FAMILY SERVICES PROGRAMS. The Judiciary has made an effort to keep the reform spirit fresh without compromising gains made to date. The future health of Maryland's family justice system depends on continued investment in those innovations, and a willingness to review what has been done and make improvements when necessary. That, coupled with the ability to keep abreast of research and best practices in family justice, and the resources to implement new ideas will ensure that Maryland's families and children have access to the best family justice system available.**